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PREFATORY NOTE

The two essays here published are by students in Trinity College, having been submitted in competition for the Southern History Prize of the Trinity College Historical Society in the year 1918. The *News Letters and Documents Concerning North Carolina and the Constitution* (pp. 75-95) were collected by the undersigned while Harrison Research Fellow in the University of Pennsylvania during the year 1921-22.

WILLIAM K. BOYD,
For Committee on Publication.

December 4, 1922.

HISTORICAL PAPERS

SERIES XIV

CONSCRIPTION AND THE WRIT OF HABEAS CORPUS IN NORTH CAROLINA DURING THE CIVIL WAR*

CLARENCE D. DOUGLAS

I

CONSCRIPTION AND EXEMPTION LAWS

When war between the United States of America and the Confederate States of America began, the armies of the Confederacy were composed of volunteers. Since the first few months of the war were in favor of the South, recruiting in the North increased. Along with the increase of soldiers, victories were won by the Union armies: Forts Henry and Donelson fell in the early part of 1862 and a larger Union army was placed in Virginia. The one-year enlistments in the South—and there was a slowness in re-enlisting—were to expire in May of that year.

In order to meet the ever-multiplying foes from the North, it was necessary for the Confederate government to find some method other than the volunteer to recruit its armies. President Davis, therefore, proposed in his message to the Confederate Congress on March 28, 1862, a system of conscription, which was enacted into a law by Congress on April 16, 1862, requiring military service for three years on the part of all white men between the ages of eighteen and thirty-five who were not legally exempt.¹ In a letter to President Davis on August 12, 1862, Secretary of War Seddon says that increased efficiency and strength were at once seen, for many victories

* This essay was written in the academic year 1917-'18, when the author was a member of the Junior Class in Trinity College. That year he entered military service in the World War, and later returned to college graduating in June, 1920, with the degree of Bachelor of Arts.—WM. K. BOYD.

¹ *Public and Private Laws of the Confederate States, 1862-1864*, pp. 29-32.

were soon won.² On the 17th of September, however, a check came to Lee at Antietam, and this was the signal for the extension of the age-limit to forty-five, which was effected by the law of September 27, 1862.³ Those between the ages of forty and forty-five were not called out at that time, but after the fall of Vicksburg and the losses at Gettysburg, the act was put into full force. Later the Confederate Congress, on February 17, 1864, passed a new act which extended the age limit to include all between seventeen and fifty years of age. Those between seventeen and eighteen and those between forty-five and fifty were to be placed in the Reserve, provided they volunteered for that service; otherwise, they would be sent to the field.⁴

In the conscription acts which have just been outlined, all men of designated ages were called into military service "who were not exempt by law." As a result of this provision, various exemption acts were passed during the period from 1862 to 1865.

On April 21, 1862, in compliance with the conscription act which had been passed five days before, Congress enacted an exemption law. It provided that the following principal classes be exempt from military service in the army of the Confederate States: (1) the physically and mentally unfit; (2) all judicial and executive officers, members of both Houses of Congress and the legislatures of the several states, and clerks in the offices of the state and Confederate governments; (3) mail carriers, ferrymen on post routes, pilots and mariners, employees of common carriers, and telegraph operators; (4) ministers of religion, college and academy faculties, and teachers having as many as twenty pupils; (5) journeymen printers, workers in iron mines, furnaces, foundries, and superintendents and operatives in woollen and cotton factories.⁵

This law of April 21, 1862, evidently did not grant sufficient exemptions, for as the summer of 1862 went by, a clamor for increased exemption was made by many classes. Therefore

² *War of the Rebellion, Official Records, Series IV, Vol. II, p. 43.*

³ *Public and Private Laws of the Confederate States of America, 1862-64, pp. 61-62.*

⁴ *Ibid.*, pp. 211-215.

⁵ *Public and Private Laws of the Confederate States of America, 1862-1864, p. 51-52.*

on October 11 of the same year, Congress increased the number of exemptions. To those of the previous act were added: (1) postmasters, their assistants and clerks; (2) one editor of each newspaper and certain employees; (3) members of the society of Friends and the association of Dunkards, Nazarenes, and Mennonists, provided they furnish substitutes or pay a tax of \$500 each into the public treasury; (4) physicians; (5) skillful workmen in vocations (farmers not exempted); (6) government contractors and employees; (7) persons engaged exclusively in raising stock, being allowed one exempt for every 500 head of cattle, one for every 250 head of horses or mules, and one for every 500 head of sheep; (8) one agent, owner, or overseer on a plantation of twenty negroes, on which there was no white male adult not liable to military service.⁶

Congress made no further exemptions until the spring of 1863, when a series of acts were passed in order to make the system more satisfactory. During the rough winter months mail contractors had doubtless found it difficult to get carriers, both because of climatic conditions and a lack of laborers. Congress saw that some provision must be made if the mails of the Confederacy remained in operation. Therefore, on April 14, 1863, Congress enacted another law which provided for the exemption of (1) mail contractors on routes which were ten miles in length and on which the mails were carried in coaches and (2) drivers of post coaches and hacks carrying the mails.⁷

For the purpose of calling a halt to the abuse of the section exempting overseers, Congress, on May 1, 1863, repealed that part of the act of October 11, 1862, which referred to overseers. The substitute act required that the owner make an affidavit that it was impossible to secure a substitute overseer; and, in addition, he was to pay \$500 annually into the public treasury. Another provision was that the President had the power to exempt persons in districts where neither slave nor white labor could be had for the "production of grain or pro-

⁶ *Public and Private Laws of the Confederate States of America, 1862-64*, pp. 77-79.

⁷ *Public and Private Laws of the Confederate States of America*, p. 107.

visions necessary for the support of the population remaining at home."

In addition to these two provisions a section still more important was included, especially when considered in its relation to North Carolina. The governors of North Carolina and Georgia desired the right to exempt state officers; hence section 4 of this act provided that "there shall be exempted all State officers whom the Governor of any State may claim to have exempted for the due administration of the government and laws thereof; but this exemption shall not continue in any State after the adjournment of the next regular session of its Legislature, unless such Legislature shall, by law, exempt them from military duty in the provisional army of the Confederate States."⁸

As the war went on, it was found that the substitutes in the army were annoying and troublesome, for thousands of them were escaping service. For the purpose of checking this evasion of service, Congress enacted on December 28, 1863, that persons liable to military service were not allowed to furnish substitutes. There was an extreme need for men at the opening of the new year; therefore, on January 5, 1864, it was enacted that no person who was liable to render military service should be exempted from such duty by reason of having furnished a substitute.⁹

The final touch on the matter of exemption was made on February 17, 1864; then Congress declared that exempted overseers should furnish one hundred pounds of bacon to the central government for each slave.¹⁰ According to Professor Brooks this act was passed because of the cheapness of Confederate money and because it would make it more difficult to secure exemption.¹¹

⁸ *Public and Private Laws*, pp. 158-159.

⁹ *Ibid.*, p. 172.

¹⁰ *Ibid.*, p. 213-214.

¹¹ Brooks, R. P., *Conscription in the Confederate States*, p. 423.

II

CRITICISM OF CONSCRIPTION AND EXEMPTION

After this brief review of the conscription and exemption acts, it is next in order to consider the criticism of them in North Carolina.

First, the opposing sentiment before the passage of the conscription act will be considered. In discussing this subject, it must be remembered that conscription was new and that it seemed to violate the principle of states rights, which was the prevailing theory at that time; thus the attitude of North Carolina toward the central government can be better understood. From different sections of the state individuals wrote concerning their opinions of the first conscription act and most of the communications which have been found express disapproval of it. However, a volunteer in the army, who doubtless was becoming tired of army life, wrote as early as January, 1862, approving conscription provided the men would not come willingly to the army. In part, he says: "We have thousands of men in North Carolina who ought to step forward and fill our places—if they will not come, let them be drafted and well organized by May 1, and then everything will be right. . . . We are willing to fight for our country. . . . but we do think that all ought to bear their part in the contest."¹² In an editorial of the same day, the editor of the *Standard*, Mr. W. W. Holden, said that in his opinion at least one-half of the twelve-months volunteers would return. Expressing his views on the inexpediency of this step, he continues: "This is a war of the people against arbitrary power—let it be fought by volunteers. . . . Standing armies, raised by the draft, are the adjuncts and supporters of despotism."

In the discussion of the possibility of a conscription bill coming up at the meeting of Congress, the states rights theory began to come into play. Holden opposed the proposed bill because it was an act of bad faith and because it encroached on the rights of the state. He argued

¹² *North Carolina Standard*, January 22, 1862.

that it had been agreed that the volunteers from North Carolina should serve twelve months, but the Confederate government was going to break the contract by forcing part of the men to serve for the duration of the war. The outcome of this contract idea will be seen when the discussion of the writ of *habeas corpus* is reached. "We protest not only against the bad faith involved in the proposition," says Holden, "but against the blow aimed at the rights of the states by this attempt to reach out the arm of the Confederate government and take our citizens for the war, without the intervention or aid of the State authorities, or without consulting those authorities. . . . The Confederate government, it is true, possesses the power to "raise and support" armies, but it was never supposed for a moment that this power included the right to call *en masse* for men for the war, without regard to the co-operation or authority of the states themselves. Such a power was never before exercised or claimed in the country. If claimed and exercised now, it will be done in violation of the spirit of the constitution and in derogation of the rights of states. . . . If the people will not volunteer in sufficient numbers to carry it on and to repel the invader, then let them bear the consequences. They have *volunteered* and they will volunteer in greater numbers than can be armed and managed."¹³

Opposition to conscription before the enactment of the law is also seen in a quotation from the *Wilmington Journal*: "Is it not enough that they rush voluntarily in any desired number and for any required time, but must authority exert itself by virtually saying 'we prefer *taking* you to accepting you?'"¹⁴

The feeling that more men were volunteering than the government needed and the fact that conscription had never been tried in the United States had an overwhelming influence on the attitude of some of the leading men of North Carolina, as well as the people in general, toward conscription. In an editorial of April 16, 1862, written before the passage of the bill, Holden said that North Carolina had furnished fifty regiments, forty of which were in the field, and that if the Presi-

¹³ *North Carolina Standard*, April 9, 1862.

¹⁴ Quoted in *Standard*, April 9, 1862.

dent wanted forty more, he could get them; but the state must insist on volunteers and not on conscripts. He cited his readers to the War of 1812, which the people generally opposed, yet they supported it enough so that conscription was not resorted to. In contrast, the people of the Confederacy were generally for the war and the states were vying with each other for arming men for state and Confederate defense, and he concluded by saying that there was no necessity for such a method. The editorial ended with the following pointed remark: "Our liberties *might not*, in the end, be destroyed by such a course; but we are not willing to trust any man or any government of delegated powers, under any circumstances, with the exercise of such a power."

In the early part of April, 1862, the *Fayetteville Observer* summed up its objections to the recommendation of President Davis in regard to the defense of the country as follows:

1. That more men have already volunteered than the government can use;
2. That it is in strict violation of the obligation that the twelve-months soldiers should have a right to be discharged; and
3. That it does not give the state any "say-so" in the matter, but calls in the name of "military necessity."¹⁵

The same sentiments which have been mentioned above are expressed in a more positive style under the caption of "Watch as Well as Wait", an article dated April 4, 1862, in the *Standard*, signed by "Sekto," of Roxboro. In his reference to conscription, he says that "it is at utter variance with the genius of our government and the spirit of our people. It contains the germ of European despotism. It proposes to coerce the people to do what they are ready to do willingly. It is an unwarranted resort to the arbitrary power of the government—not from necessity, but from choice. . . . Wherein is volunteering a failure and when did it fail? What State has refused its quota of Confederate troops? If one has, that is no argument for a system of general conscription in those

¹⁵ *North Carolina Standard*, April 16, 1862, quoted in editorial.

states which do not refuse." Continuing, he asked what was to become of "our states rights." In assuming the right to raise the troops by conscription, the Confederate government took control over all state privileges, and if the people were not going to put the states rights theory into practice, it was no good to claim it merely for the sake of theory. "The armies must be raised through the medium of state government, and not directly by the Confederate government. To raise them otherwise, if constitutional, (which I deny), is not expedient."¹⁶

Before taking up the criticism of conscription after the passage of the Act of April 16, 1862, it is interesting to note the vote of the North Carolina senators and representatives on the conscription act. The two senators from North Carolina in the First Confederate Congress, First Session, were George Davis, of New Hanover County, and William T. Dortch, of Wayne County, and both of these men voted "yea" on the question.¹⁷ The votes of the North Carolina representatives were as follows: those voting "yea," Owen R. Kenan (Duplin County), Thomas D. McDowell (Bladen County), J. R. McLean and William Lander (counties unknown); those voting "nay," B. S. Gaither (Burke County) and A. T. Davidson (Macon County); and those not voting, R. R. Bridges (Edgecombe County), Thomas S. Ashe (Anson County), and William H. Smith (Hertford County).¹⁸ This shows that two senators and four representatives voted for the measure and that two representatives voted against it. It is interesting to note, also, that the two gentlemen who opposed it were from the western part of the state.

The Act of April 16, 1862, was received in North Carolina with adverse criticism. The first edition of the *North Carolina Standard* after the passage of the bill carried an editorial which doubtless expressed the sentiment of many who were afraid of the increasing power of the central government. After an interpretation of the Act was given, the editor exclaims: "Let the people have the names of those who voted for it! . . . It is an extraordinary fact that this act, which ignores the

¹⁶ *North Carolina Standard*, April 16, 1862.

¹⁷ *Journal of Confederate States Congress*, Vol. II, p. 154.

¹⁸ *Journals of Confederate Congress*, Vol. V, p. 228.

rights of the States, and assumes the absolute control over some six thousand militia, was debated and passed in secret session." The bad faith of the law was stressed, resentment concerning the appointment of officers was expressed, and the section allowing substitutes was bitterly objected to. Finally, Holden says, "we regard it as inexpedient, unnecessary, oppressive, and unconstitutional. It places the rights of states and the liberties of the people at the feet of the president."¹⁹ The *Wilmington Journal* of the same date characterizes the law as having no more justification than the killing of one man by another. An article signed "Independence" argued that it was by this method that Bonaparte built up his system of tyranny, and that conscription was not a necessity. "The plea of necessity," he continues, "urged for its adoption, is falsified by the enthusiasm with which volunteers were rushing in every state to the standard of the country."

Another prominent North Carolinian, Mr. Jonathan Worth, wrote on May 1, 1862, to Mr. A. G. Foster that, "with all our men from 18 to 35 called to camps of instruction at this season, famine is inevitable." The writer favored the volunteer method.²⁰

Though no accurate statistics have been found as to the number of North Carolina volunteers between the opening of the war and the time of the passage of the first conscription act, some opinion as to the state of affairs at that time may be had by comparing the military reports which appeared during the first year of the war. According to a report of September 30, 1861, North Carolina had mustered twenty-six regiments or between ten and fifteen thousand men, allowing about 800 to the regiment, into the service of the government of the Confederate States. The entire Confederate States had mustered in approximately 203,000 men.²¹ A similar but fuller report in February, 1862, from the Secretary of War to President Davis, shows that North Carolina had a grand total of 34,150 in the service. Of this number, 8,450 had enlisted "for the war" and 25,700 "for twelve months." Excepting Virginia

¹⁹ *North Carolina Standard*, April 23, 1862.

²⁰ Hamilton, *Correspondence of Jonathan Worth*, Vol. I, p. 168.

²¹ *O. R.*, Series IV, Vol. I, pp. 626-630.

and Tennessee, North Carolina had the largest showing. The statement shows that the number enlisted from all the states "for the war" was 92,775 and the number for "twelve months" was 240,475, making a grand total of 333,250.²² Comparing this report with that of September, it is seen that the enlistment had increased approximately 130,000. The question as to how many of the "twelve-months" men would have re-enlisted cannot be estimated. In his recommendations to the February report just cited, Secretary Benjamin says: "enough, however, is known by the Department in its payments of bounty to re-enlisted men and in its voluminous correspondence to justify the statement that more than four-fifths of the volunteers for twelve months will re-enlist for the war."²³ When Secretary of War Randolph was writing to President Davis in August, of the same year, he took the opposite view from his predecessor,—that the men did not re-enlist because large numbers of them were "yearning for home, weary of the discomfort of camp life, and deceived by apparent inactivity of the enemy into the belief that their services were no longer necessary, declined to re-enlist, and prepared to turn over the burden of the war to those who had as yet borne no part of it. Efforts to procure re-enlistments and the expectation of change relaxed the discipline of the army, impaired its efficiency, and rendered it incapable of accomplishing what otherwise would have been achieved." He then compared the situation with the renewed and recruited army of the North.²⁴

It seems that under the exigency of the situation that it was necessary for the South to secure forces in some way. The report of the Secretary of War in February, 1862, which has just been referred to, shows that at least the Confederacy could not be at all sure that the North Carolina soldiers would re-enlist, for so few of them had re-enlisted as late as February; therefore, the conscription system which has been outlined was adopted.

The system of exemptions doubtless caused greater dissatisfaction and friction than any other section of the law.

²² *Ibid.*, p. 962.

²³ *Ibid.*, p. 960.

²⁴ *Ibid.*, Vol. II, p. 42.

Just as soon as the first exemption act was published, inquiries began to be made as to who was really exempted. Among the first was an inquiry from a subscriber of the *Standard* to the editor asking if justices of the peace were considered "judicial officers." Holden was inclined to believe that they were not in the sense that Congress meant, for their jurisdiction was local and the great body of them did not have regular duties to perform. Also, he estimated that there were from 4000 to 5000 justices in the State, of whom, perhaps, 2000 were conscripts. "It could hardly have been the intention of Congress," he concludes, "to exempt so large a body of men from the operation of the Act."²⁵ By order of May 28, 1862, the Secretary of War authorized that the exemption bill be interpreted to include justices of the peace, sheriffs, deputy sheriffs, etc. In the letter from Mr. Worth to Mr. Foster, which has been referred to, the writer favored the exemption of salt workers and declared he was of the opinion that it would be better to exempt them than judges and petty officers of the state.²⁶

When the recent war between the United States and Germany was declared, college men had a curiosity to know if they too were exempted from military service. The same proposition came up at the institution of the exemption system in North Carolina during the Civil War. A Trinity College student inquired of Holden whether or not students were exempted. He replied that according to the law, students were not exempted. After it became known that college students would be included in the draft, Wake Forest College was expecting to close after the session ending in the spring of 1862.²⁷

The substitute system and the easiness with which the draft could be evaded by entering certain occupations caused dissatisfaction to increase rapidly. During the summer when some of the conscripts were in training at Camp Holmes, near Raleigh, and others were either on their way to the camp or waiting to go, expressions concerning the unfairness of the substitute system and citations of instances of evasion through exemption were numerous in North Carolina. A group of Orange

²⁵ *North Carolina Standard*, May 14, 1862.

²⁶ Hamilton, *Correspondence of Jonathan Worth*, Vol. I, p. 168.

²⁷ *North Carolina Standard*, May 21, 1862.

County conscripts met on July 19, 1862, and adopted resolutions which declared their determination to serve their country well, but at the same time they objected to the substitute feature of the conscription act. The resolutions mentioned public men, who were hottest for secession and who were going to do so much, but now were aiding in the evasion of the draft. The sheriff of Orange County had appointed a deputy who was in the conscript age, in order to have him exempted, "and we look upon it as robbing the army of a good soldier," the resolutions run, "when there is such pressing need for all." Finally, they declared that if these men "will show half the zeal for the fight that they did for secession, the victory will be ours."²⁸

Other instances of evasion of the draft by entering some occupation included in the exemption laws are mentioned in the resolutions which were adopted by a company of conscripts from Surry County, encamped at the Winston Court House, on their way to Raleigh. The substance of these resolutions is as follows:

1. Loyalty to the South; at the same time impartiality in the execution of conscription.

2. Notice of fellow conscripts hiding in old forges, ore pits, wood and coal yards; "and many of them, too, who one year ago could not have been induced to go into any of them."

3. Postmasters, who formerly were able to do all of their work without assistants, appointing one or more assistants and deputies.

4. Expression of astonishment at the number of schools which had sprung up, "which are being taught by stout young men who have little or no experience in teaching. We think that law and justice require that they should march with us to the battlefield, and leave the old men and ladies to teach the children."

5. Finally, a request that the officers compel those in the bounds of their regiment to take their place in the ranks.²⁹

Soon after the passage of the Act of April 21 many com-

²⁸ *Ibid.*, July 23, 1862.

²⁹ *Ibid.*, September 3, 1862.

plaints were made in regard to the unwise exemptions in some occupations and to the lack of exemptions in other vocations. In a letter mailed from Randolph County, July 7, 1862, to the editor of the *Standard*, anxiety was shown concerning the production of food. "Those who are left will not be able to sustain themselves," the writer asserted. He lamented the lack of foresight which was displayed in failing to exempt those who labor for bread, meat, and other provisions for the support of those in active military service and of non-combatants.³⁰

A tone of complaint concerning the injustice of the law is heard in an appeal which was made to the rich people of the state for the support of the poor soldiers who were compelled to leave their crops, resulting in immense hardships for the women who were left at home. The men who had money needed not to worry about the comfort of the people back at home, for their money would care for the family; but the poor man had nothing but his crop, and that could not be cared for.³¹

In the midst of all this confusion and dissatisfaction, the inaugural address of Governor Zebulon Baird Vance was delivered at Raleigh on September 8, 1862. Throughout it rang a spirit of co-operation; and knowing of the dissatisfaction and the attitude of many of the people toward the conscription system, he took this opportunity to set their minds straight. He told the people that that was no time to discuss the constitutionality of the law, but to obey it. After this statement, he eloquently gave the reasons for its adoption. "Within five weeks of the date of its passage," he said, "one hundred and forty-seven of our best trained victorious regiments would have been disbanded and scattered to their homes, and this during the darkest days in the history of the war. Fort Donelson and Nashville had fallen; General Halleck, with an overwhelming and victorious army, followed by a vast fleet of iron clad boats, was pressing into the very heart of the South; the great and magnificently equipped army of McClellan was in the act of springing as a tiger upon Richmond, and to make his success doubly sure, was waiting for this very thing of disbanding our regiments; Roanoke Island and New Bern, with all their de-

³⁰ *Ibid.*, July 16, 1862.

³¹ *Ibid.*, July 23, 1862.

pendencies on our coast were in possession of the enemy, as was much of South Carolina and Georgia—just imagine the result. The Confederate government having failed to provide in time for this terrible emergency, utter ruin was at the door and *must* be averted; the law was passed, and the country was saved.” The Governor continued to praise the manner in which the soldiers accepted the law and to urge the co-operation of the people.³² His words concerning the constitutionality of the conscription law were suggested by Mr. Holden who read the inaugural address in manuscript.³³

In this speech Vance not only gave his views of the conscription law, but he assured the people of North Carolina that he would preserve the civil law, and he insisted that the people themselves safe-guard the civil from the military law; and doubtless the cause of many of the later appeals for writs of *habeas corpus* fell at the door of the inaugural address, for the people of North Carolina felt that they had a champion of their private rights in time of war as well as in time of peace.

Despite the entreaty which Governor Vance made in his inaugural address, he was compelled to give out a proclamation for the repression of disloyalty. According to the proclamation of September 18, ten days after he took the oath of office, certain persons were using their influence to prevent obedience to the conscription law and others were attempting to organize an open resistance to its execution. His strong determination was voiced when he said to his people that armed resistance to the law would be an act of treason and that the violators need not expect to escape the penalty.

III

PROTEST AND CONFLICT

Though the Governor had appealed to the people in expressions of fine sentiment, the discontent which arose in North Carolina, especially in the northwestern part of the state, from economic causes, which have been hinted at above, and from the exemption acts, was given publicity in a number of

³² *Ibid.*, September 10, 1862.

³³ Boyd, *Memoirs of W. W. Holden*, p. 24.

public meetings which were held in 1863 and through letters which were made public through the press of the state. The *Standard* of November 19, 1862, contains several statements and letters that throw light on the economic conditions in North Carolina, which were partly the results of the absence of the laboring men who were then in the army. The editor attributes to "an observing and intelligent friend in one of the upper counties" of the state the following statement in regard to the crops in that section :

" Our people can do little or nothing for the army outside of their own relations. . . . The material to make more cannot be had. Hundreds and thousands are suffering for clothing and shoes, with the worst crops every known in this country. . . . Those left behind after conscription is fully enforced, cannot possibly support the women and children in the country. Remember, we have few negroes in the mountain country, and more destitution in everything to wear and eat than I have ever seen before."

A letter came from a Transylvania County citizen in the same month which was pathetic. The people had no salt with which to salt their hogs; not one-third had shoes which would keep their feet dry; there were not enough hogs, and the people were afraid to use their corn to fatten those they did have because of the scarcity of that crop. It was the opinion of the writer that many would perish, and "if this war is to last over another crop season, with all the conscripts in the army, our support must come from somewhere else."³⁴

A letter from Stokes County is perhaps just as distressing. It was a protest against calling men out between thirty-five and forty-five. The county had already enrolled about 1,300 men, and about 1,100 were in the service; the deprivations which had come to the women and children were almost unbearable. The corn, wheat, rye, and oat crops were short; corn was \$10 a barrel from the heap; and the women members of conscripts' families were going about barefooted begging for corn. Few men were left who had corn and they were afraid to let any go,

³⁴ *North Carolina Standard*, November 19, 1862.

for they did not know at what moment they too would have to leave their families to care for themselves. "If all the conscripts from my county are taken off," the letter continued, "it will be impossible for those left behind to make a support for another year." The writer suggested that instead of calling more conscripts that they give more food, clothing, etc., to those already in camp. He added, too, that it seemed impossible to produce more of these necessaries "if all the conscripts were in the field."³⁵

On December 13, 1862, a large majority of the citizens of the Rockford District met at Rockford in Surry County for the purpose of adopting resolutions against the further call of soldiers from that section. Until all the other counties of this state and until the other states had responded equally, they urged that no other conscripts be sent. The resolutions were adopted because North Carolina had furnished more men according to the population than any other state; the state employed less slave labor in her farming than any other state in the Confederacy; and the productive energies, especially in the western counties, had been so weakened that a further conscription of labor in the section would threaten the land with famine. The remedies which they suggested for such a situation were among the first which called for action by the legislature against further conscription and for a suspension of the law by the Confederate government. The substance of the sections which relate to conscription follow:

1. That through their representative they would petition the legislature then in session to secure the state from a further depletion of population until all other states had furnished as full a quota of men

2. That the clauses of the conscription act which exempted slave owners and allowed the hiring of substitutes were unjust discrimination.

3. That the same resolutions be adopted by the entire 74th Regiment and that one representative from each captain's district should help draw up a petition to the President, asking

³⁵ *Ibid.*

that the 74th Regiment be relieved from further conscription until all other states had complied as fully.³⁶

Mr. Holden, in an editorial of February 6, 1863, on public sentiment in North Carolina, throws light on the attitude which parts of the state, at least, had toward further conscription. He said that North Carolina had furnished from eighty to ninety thousand men and that the people were opposed to a further drain. It seems that Mississippi had been exempted from the second draft; why then should not North Carolina, or at least portions of it, be exempted? "If Virginia, South Carolina, and Georgia can organize and retain a portion of their forces as reserves, why may not North Carolina do the same?" Florida had been allowed to go into the reserves for the defense of the state, "why may North Carolina not enjoy the same privilege?"

A letter from Fort Humbrell, Clay County, July 8, 1863, will give the feeling of the people better than the editorial just summarized above:

"Will you be so kind, Mr. Editor, as to inform Jeff Davis and his Destructives, that after they make the next draw of men from this mountain region, if they please, as an act of *great and special mercy*, be so gracious as to call out a *few, just a few* of their exempted pets from Mississippi, Georgia, and South Carolina to knock the women and children of the mountains in the head, to put them out of their misery."³⁷

A few more extracts will be sufficient to show the widespread dissatisfaction caused by the absence of men from the farms, especially in Western North Carolina. At a public meeting held at Trap Hill, Wilkes County, on July 31, 1863, by the Conservative Party, resolutions were adopted against further conscription. "Owing to the scarcity of labor, as we have but few slaves in this poor mountain country . . . we are opposed to sending any more troops, except such as are in favor of prosecuting the war."³⁸ Resolutions of practically the same import were adopted at public meetings held in Wake,

³⁶ *North Carolina Standard*, January 16, 1863.

³⁷ *North Carolina Standard*, July 24, 1863.

³⁸ *Ibid.*, August 18, 1863.

Davidson, Guilford, Yadkin, Alleghany, and other counties during the months of June, July, and August, 1863.³⁹

When a people are unable to produce the things which go to sustain life and to gratify the wants of themselves, it is not the easiest matter in the world to keep their spirits high and their hearts in a great war. Such a situation had been produced during the first two years of the Civil War.

Along with the economic discontent, which resulted partly from the absence of the soldiers, was coupled the dissatisfaction, which, as has been seen, was breeding before Governor Vance's inaugural address, with the exemption system. Just as soon as the Act of April 21, 1862, was passed the press of the state began its unfavorable criticism, and this difficulty continued until the close of the war. Mr. Holden at once foresaw the difficulty of the substitute and exemption plans. "There ought to have been exemptions," he said, "even under so sweeping a law as this; but they should have been such only as were rendered necessary by mental or bodily infirmity. It is wrong to put wealth in one scale and the compelled and inevitable service of the poor man in the other."⁴⁰ Mr. Holden also sounded the first note of "holy" protestation against the "twenty slave" clause.⁴¹ A few days later the view of the *Standard* was assented to by the *Greensboro Patriot*, which advanced the idea "that the provisions of the exemption law granted special favors to the people of the cotton states and the largely slave-holding communities, is so plain as to need no argument."

Some were dissatisfied because there were too many exempted and some wanted other classes included in the list. North Carolina doubtless had her part in securing the passage of the act in regard to the exemption of mail contractors, carriers, and coach drivers. The *Fayetteville Observer* gave in an issue in March, 1863, the condition of the mail line between Raleigh and Fayetteville, and the paper urged the Secretary of War to take the matter up, for the mail could not be carried by an old man during the dark and cold winter nights. The contractor on the line between Raleigh and Carthage had been

³⁹ *Ibid.*, July 31, August 18, 21, 25, 1863.

⁴⁰ *Ibid.*, April 23, 1862.

⁴¹ *Ibid.*, October 22, 1862.

drafted, and the *Standard* urged the government to guard against the dissatisfaction which would come from a discontinuance of the mails.⁴² To remedy this situation, it will be remembered, the Act of April 14, 1863, was passed.

The opposition of the people of the state to the conscription system doubtless spurred Governor Vance to see that the rights of soldiers and of citizens were upheld. Therefore a conflict arose between the Confederate government and Governor Vance of North Carolina which occupied the attention of both governments immensely during the latter part of the war. Governor Vance in his inaugural address pledged his support to the carrying on of the war, but at the same time he assured the people that he would guard their rights. Therefore, when he began to execute his policy, conflict between the two governments ensued.

The assignment of North Carolina conscripts and other soldiers to regiments which they did not choose and the appointment of officers from other states over North Carolinians were methods in the execution of the system which caused much wrangling between the two governments. According to army regulations, men were to be assigned to their home regiment if they chose, but the central government failed to carry out this promise. Governor Vance on October 10, 1862, wrote to Secretary of War Randolph that the enrollment was increasing rapidly, which he attributed to the assignment of men to the brigades to which they desired to go. He then complained to the Secretary concerning the order that Major Mallett, commandant of conscripts in North Carolina, had received from Richmond to send the "conscripts to certain brigades without regard to their wishes or to the promises made to them by a Confederate general. This has produced the greatest dissatisfaction," he continued, "and rightly, too. What the exigencies of the service are I do not know. They must be great indeed to justify bad faith toward the soldiers on the part of the government. If this is to be the policy, as I do not wish to become a party to such transactions, I shall countermand the orders issued to my militia officers and turn the whole over

⁴² March 6, 1863.

again to Major Mallett and leave him to hunt up the conscripts as best he can. . . . With the management of the army proper, I shall, of course, offer no advice. . . . but in regard to such political movements as secure most effectually the support of the people in the execution of the conscription law, I do claim that I ought to be heard."⁴³

The question of keeping up the morale of the soldiers, as well as that of the people, was coming to an alarming point, according to the Governor. Vance had not received a reply from the communication of October 10, to Secretary Randolph, but in the meantime he had heard of the "consignment" of men to brigades other than their own. Vance, therefore, in a letter to the President on October 25, 1862, cited an instance which, he believed, showed that the desires of the conscripts should be respected. "One hundred men had been brought into camp from one county alone, from a region somewhat lukewarm, who had been got to come cheerfully under the solemn promises made them by my enrolling officer that they should be allowed to join any regiment they desired, according to published orders." But the promise was not kept. The central government attempted to justify its action because the men had come in too late, but Governor Vance said that "indispensable business, large and helpless families, property, and distress in a thousand shapes had combined to keep them at home." He reminded the President that it was absolutely necessary for the Confederate government to have the willing support of North Carolina because she was not any too strong on secession. The union leaders, he said, had to be dealt with fairly. "These conscripts are entitled to consideration. They comprise a number of the best men in their communities." This hint against discrimination by the Confederate government in favor of loyal secessionists and against those who had stood for union came up several times between the two governments, as well as the people and the governor. He gave the President to understand that he would not co-operate willingly in a policy of non-consideration of privates. "A sense of justice and fair treatment will do more than all besides

⁴³ *O. R.*, Series IV, Vol. II, p. 114-115.

in bringing our entire able-bodied population into the field," were the closing words of the communication.⁴⁴ The Secretary's endorsement of the letter gave as the reason for no reply to Vance's letter of October 10 that it imputed "bad faith to the President and Secretary of War."⁴⁵ This method of assigning men haphazardly was condemned by the Governor when messages were delivered to the legislature of the state and at other times.

The appointment of officers of another state over North Carolina conscripts was also protested against. On January 26, 1863, Vance wrote to Secretary of War Seddon, referring to a letter which Vance had written Randolph. Vance protested against the appointment of Colonel August to command North Carolina troops. "I wish to say in all candor, sir, that it smacks of discourtesy toward our people, to say the least of it." The Secretary wrote to Mr. Rains of the Conscription Bureau, asking if there were any available North Carolinians to take the position of commandant of conscripts, but the reply on January 30 was that no suitable North Carolinian had made application.⁴⁶ Vance felt that it was implied that there were no North Carolinians who were able to take such positions; therefore, he took the reply as an insult to the people of North Carolina and to the soldiers who had shown their valor and ability on the battlefield. Remonstrances came, also, from T. S. Ashe and from other North Carolina representatives concerning Colonel August, and Secretary Seddon at last recommended to the Bureau the appointment of a North Carolinian. He reminded the Governor, however, that other states had not shown such susceptibility, and pointed out that it would be advantageous to have one who knew nothing of local conditions to administer conscription. The Bureau did not displace August until about two months later, when Colonel Peter Mallett, who was recovering from a wound, succeeded him on March 25, 1863.⁴⁷ Mr. Vance received a letter from Representative Dortch saying that the Secretary of War had agreed to appoint a North Carolinian and that the former

⁴⁴ *Ibid.*, p. 146-147.

⁴⁵ *Ibid.*, p. 154.

⁴⁶ *Ibid.*, p. 375, 378.

⁴⁷ *Ibid.*, pp. 409, 411, 412, 458.

officer had been appointed without the knowledge of the Secretary.⁴⁸ The State Executive was not alone in his movements. Representative B. S. Gaither wrote the Governor that the delegation in Richmond agreed thoroughly with Vance's attitude toward conscription and the appointment of military officers.⁴⁹

Hon. W. A. Montgomery says, in writing of the breach between Governor Vance and the Confederate government, that "probably the most serious breach between the Confederate government and the State government grew out of the purpose of that government to conscript the State officers appointed by Governor Vance. Such an attempt having been made, the Governor addressed a letter to Colonel T. P. August, commander of conscripts, on the 20th of March, 1863, in which he brought that dispute to a head. He wrote in part as follows: 'Zealous as I have been and continue to be in the enforcement of the law, I cannot permit my own officers to be conscripted. The ground I shall assume is, that all State officers and employees necessary to the operation of this government—of which necessity I must judge—shall not be interfered with by the enrolling officers and any attempt to arrest such men will be resisted.

" 'This I deem not only necessary to the due administration of the government, but due the rights and dignity of the Sovereign State over whose destinies I have the honor to preside.' "⁵⁰

Governor Vance began an interchange of letters with the Confederate government immediately in regard to the conscription of state officers. On March 31 he wrote to Mr. Rains, telling him of the assistance of the state militia in carrying out the law; but he reminded the Bureau of Conscription that he was not quite willing to see the State of North Carolina blotted from the map and the government abolished by the conscription of officers and that he knew what officers were necessary to the execution of the laws of the State and that the Confederacy did not. He said also that the decision to con-

⁴⁸ Letter from Representative Dortch to Governor Vance, January 31, 1863. *Vance Manuscripts*, North Carolina Historical Commission.

⁴⁹ Letter of April 24, 1863. *Vance Manuscripts*.

⁵⁰ Montgomery, W. A., "Relations Between the Confederate States Government and the Government of North Carolina," in *Publications of North Carolina Historical Commission*, Bulletin No. 15, p. 53.

script constables, justices, and policemen was destroying government. He carried his protest further than the Conscription Bureau—to the President of the Confederacy.⁵¹ As a result of these claims on the part of Governors Vance and Brown (the latter of Georgia), the law of May 1, 1863, was enacted. Other difficulties which this law brought about will be discussed under *habeas corpus*. Under this law of May 1 Governor Vance certified petty officers of all kinds: county commissioners, constables, policemen, guards, officers of the militia, justices of the peace, deputies in all these branches, etc. According to a report made by Superintendent Preston on November 23, 1864, it is seen that the total number of officers exempted to that date by the certificate of governors was 18,843. According to states, the report shows:

Virginia	1,422
North Carolina	14,675
South Carolina	233
Georgia	1,012
Alabama	1,223
Florida	109
Mississippi	110
East Tennessee	39
East Louisiana	20

This report, of course, is not for the entire Confederacy, but it does show that so far as reports had come in North Carolina had exempted more than two-thirds of the entire number of officers who were exempted on certificate of the governors.⁵² The 14,675 reported above is evidently an error, for the letters and subsequent reports indicate that the officers certified by Governor Vance were fewer than reported. In a letter to Secretary of War Seddon, on November 29, 1864, Brigadier-General and Superintendent Preston says that the "commandant for North Carolina now reports to me that his returns are inaccurate and greatly exaggerated."⁵³ A subsequent report of the exemptions in all cases made in February, 1865, is

⁵¹ *O. R.*, Series IV, Vol. II, pp. 464-466.

⁵² *O. R.*, Series IV, Vol. III, p. 850.

⁵³ *Ibid.*, p. 866.

probably more nearly accurate than that of November 23, 1864. The report of certified officers for the states follows in part:

Virginia	1,894
North Carolina	5,589
Georgia	8,229
Alabama	1,333 ⁵⁴

These figures regarding these four states give some indication of the manner in which the clause exempting officers on the certification of the state governors worked.

Another difficulty which arose between the two governments was the question of the suspension of conscription in certain sections of North Carolina. In Western North Carolina there were thousands of deserters and conscripts who were evading service. Therefore it seemed as if it would be impossible to enforce the law. Several applications, requests, and memorials were made for the suspension of the law. Among the first was a memorial from the representatives of the people of the Tenth Congressional District, forwarded to President Davis by Governor Vance on December 19, 1862. "I know all the facts set forth to be true," said Vance, "being intimately acquainted with the district, and have no hesitation in saying that if any section of the Confederacy is deserving of the exercise of the discretion vested in you by the exemption act in its favor it is that mountain region of North Carolina." The appeal which the Governor enclosed is as follows:

RALEIGH, N. C., December 11, 1862.

His Excellency, Jefferson Davis,
President of the Confederate States of America:

Dear Sir:

The undersigned, senators and representatives from the Tenth Congressional District of North Carolina, now attending the General Assembly, desire to call your attention to the following statement of facts:

The people living in the counties composing the Tenth Congressional District own comparatively but few slaves, and have, therefore, to rely mainly upon white labor for the cultivation of their lands and their supplies of provisions. In nearly all counties we represent, the number of volunteers and conscripts

⁵⁴ *Ibid.*, p. 1102.

furnished to the Confederate army is almost equal to our entire voting population. This district is composed of fifteen counties. These counties do not contain as many slaves, all told, as some single counties in the middle and eastern divisions of the State. It is manifest, then, that the levies made by the conscript law upon our section have well-nigh stripped us of our laboring population. We further state that with the aid of the conscripts during the last summer we have been able to produce sufficient supplies for the present winter and the coming spring. We hope, however, by the strictest economy and the abandonment of a portion of our live stock to prevent actual starvation. . . . We could cite hundreds of instances where three or four families of women, numbering from ten to fifteen children, have been thrown together into one house, not having so much as a boy large enough to go to mill. These noble women are now aided by the few scattering men who remain at home. But if the remaining conscripts, from thirty-five to forty-five, are enrolled and ordered into camp, it can result in nothing short of actual starvation among some of these helpless women and children. Moreover, it will be impossible for the few old men and boys remaining at home to cultivate one-half the amount of land that was cultivated last summer in that section, and hence danger of a general famine through that entire district. This section of the State which we represent is very mountainous and remote from railroad facilities, and cannot, therefore, procure provisions from abroad.

We are free, though the task is an unpleasant one, to state another fact. Most of the cases of desertion among the soldiers from that section have been produced by sufferings of their families and parents at home. We challenge the Confederacy to produce a more loyal and brave people than ours, and instance as an example the glorious Sixteenth North Carolina Regiment. Yet with all their loyalty, if the law be enforced and the remaining conscripts be taken, it will produce the deepest discontent and dissatisfaction among the soldiers already in the field from that section. We had reason to expect that you would have exempted this section from another call.

In view of the foregoing facts we respectfully ask that you will suspend the enforcement of the conscript law in the Tenth Congressional District of North Carolina. . . .

C. D. Smith, Senator;
 W. M. Shipp, Senator;
 M. O. Dickerson, Senator;
 S. J. Neal, Senator;
 (And Twelve Representatives).⁵⁵

⁵⁵ O. R., Series IV, Vol. II, pp. 246-248.

Soon General Edney made an application, endorsed by Governor Vance, to Secretary Seddon to suspend the conscript law in the "counties west of the Blue Ridge" and to use the state militia along with the available conscripts to repress the marauding deserters. The Secretary on March 26, 1863, advised against such a step, and suggested that the conscripts be sent away from home and that the reserves assist General Donelson, who was commander of the district, in searching through the mountains for deserters and conscripts.⁵⁶

Turning to the eastern part of the state, it is notable that on account of the occupation of land east of the Chowan River by the enemy, the Secretary of War suspended conscription on July 31, 1863, until the enemy could be forced out.⁵⁷ On November 3, after several letters were exchanged, Secretary Seddon wrote Governor Vance that he approved the idea of calling the young men and allowing the heads of families to remain at home, though in strict accordance with the law he could not follow this suggestion which Vance made. Nevertheless, appreciating the condition, Secretary Seddon allowed the request.⁵⁸

The greatest difficulty in the enforcement of conscription, however, was in the western part of the state. A group of men went from Tennessee for the purpose of bringing absentees to camp, but they found that the hostility was so great that they suggested that a larger group of men would have to go before the law could be enforced. They reported that one Captain Perry, who was attempting to collect his company, had been shot at several times. Another report made to Colonel Mallett on August 13, 1863, from Camp Vance by Captain McRae, said that "all the counties on the Tennessee border are infested with deserters, renegade conscripts, etc." The enrolling officer was to begin his work on August 20th, but McRae advised that detachments of troops be sent from Tennessee and that a guard accompany him to see that the law was enforced. "The impunity with which deserters remain at home has produced the worst effect upon the conscripts, who generally re-

⁵⁶ *Ibid.*, pp. 460-461.

⁵⁷ *Ibid.*, p. 686.

⁵⁸ *O. R.*, Series I, Vol. XXIX, Part II, p. 818.

fuse to obey the law, and join the deserters in the mountains upon any attempt being made to arrest them. I have two companies of about 125 men at this camp. There are from 50 to 100 deserters in this county (Burke) within twenty-five miles, and the same proportion in the adjoining counties, while the counties of Wilkes and Yadkin have many more than this proportion.⁵⁹

As the summer of 1863 went by, the opposition to conscription was getting beyond the control of the officers. A letter dated September 2, 1863, from the inspector of conscription, whose office was located at Salisbury, stated that in Cherokee County a large body of deserters and those who were resisting conscription "had assumed a sort of military occupation, taking a town, and that in Wilkes County they had organized, drilling regularly, and were intrenched in a camp to the number of 500." Also the report indicated that 300 or 400 were organized in Randolph County and that there were large numbers in Catawba, Yadkin, and Iredell. The difficulty seemed to be that those who were disloyal fed the evaders and that those who were loyal had to feed them; they also were "afraid to aid the conscript service lest they draw revenge upon themselves and their property." Those who were liable to conscription lagged behind in proportion to those deserting.⁶⁰ These armed troops in Wilkes County threatened to raise the Union flag at the courthouse on the next court day.⁶¹ As a result of such a situation the enrollment officers set about their tasks with the only hope that they would reach their goal by means of military force.

In the midst of all these efforts to secure the enforcement of the conscript law, a veritable dispute came up between Vance and the Richmond government. On May 23, 1863, Secretary Seddon called on the Governor to do something more to prevent desertion. The Secretary felt that the causes of opposition were the general belief over the state that the conscript law was unconstitutional because of certain decisions of the courts; that there was "too ready interposition of

⁵⁹ *Ibid.*, pp. 731-733.

⁶⁰ *Ibid.*, p. 783-785.

⁶¹ Jones, *A Rebel War Clerk's Diary*, II, 28 (August 31, 1863.)

the judicial authority in these questions of military obligation," and, also, that protection would be afforded in Western North Carolina to all who deserted and to all who would not enroll. On May 25 the Governor wrote the Secretary he felt that he had done all he could to enforce conscription and that it was the business of the courts to grant writs, and, therefore, he would sustain the courts;⁶² and according to Schwab, he continued this attitude toward the courts.⁶³

This method of military enforcement of conscription did not successfully replenish the armies, for the people protected those who would not enroll. With a population more than half of which was in sympathy with the evaders, it was really impossible to carry out the law. This policy of force did not work, for Vance wrote to President Davis on March 9, 1864, that a group of cavalymen who were sent to Cherokee County by Colonel Lee, of Atlanta, seized men above the conscript age and drove them to Atlanta, and after a long time they were freed through his constant protest. Another case was that of the 56th Regiment North Carolina Troops, which was sent to Wilkes County for the same purpose. On Vance's visit to that county, reports of outrageous conduct were made to him: cattle, food, and other necessaries had been destroyed; and to retaliate, organized forces had opposed the enrollment officers.⁶⁴

Governor Vance continued in his efforts to have the law suspended in Western North Carolina. On April 11, 1864, he wrote the following letter to Secretary Seddon:

RALEIGH, N. C., April 11, 1864.

Hon. J. A. Seddon,

Secretary of War:

Sir:

I beg again to call your earnest attention to the importance of suspending the execution of the conscription law in the mountain counties of North Carolina. They are filled with tories and deserters, burning, robbing, and murdering. They have been robbed and eaten out by Longstreet's command, and have lost their crops by being in the field nearly all the time trying

⁶² O. R., Series I, Vol. LI, pp. 714-716.

⁶³ *The Confederate States of America*, p. 201.

⁶⁴ O. R., Series I, Vol. LI, Part II, pp. 831-833.

to drive back the enemy. Now that Longstreet's command is removed, their condition will be altogether wretched, and hundreds will go to the enemy for protection and bread. Please consider these conditions and relieve them if possible.

Yours, &c.,

Z. B. VANCE.

On April 23, however, the Secretary replied that "the Department doubts the expediency of such apparent yielding to the disaffected classes . . . and in this view the President concurs." Seddon expressed hopes that the formation of homeguards would settle the matter.⁶⁵

Another special privilege which was asked for North Carolina was the suspension of the law calling principals back into service after their substitutes were brought into service by the law of January 4, 1864.⁶⁶

As the war went on, the sense of desperation was shown by a case reported from Mars Hill College, headquarters of the home guard, on April 12, 1864. Several guns had been taken by a band of "tories" at Burnsville, Yancey County. In addition, meat, etc., was taken. Few men were with the home guard because "swarms of men liable to conscription are gone to the tories or to the Yankees—some men that you would have no idea of—while many others are fleeing east of the Blue Ridge for refuge. . . . This discourages those left behind, and on the back of that conscription is going on, and a very tyrannical course pursued by officials charged with the business."⁶⁷

From these illustrations, it can be seen that the enforcement of conscription in North Carolina was a vexing and an annoying problem, probably more so than in other states.

After this review of the difficulties and extremely unpleasant parts of conscription, we wonder how many conscripts North Carolina did furnish. According to the final report of the Superintendent of Conscription on February 20, 1865, the total number of conscripts enrolled in the Confederacy, (according to reports sent in by state enrolling officers) after the

⁶⁵ *O. R.*, Series I, Vol. LIII, pp. 324-329.

⁶⁶ *Ibid.*, Vol. III, p. 176.

⁶⁷ *O. R.*, Series I, Vol. LIII, pp. 325-326.

Act of Congress of April 16, 1862, was 81,993, of which North Carolina enrolled 21,348, or about 7,000 more than any other state in the Confederacy.⁶⁸

IV

HABEAS CORPUS

In addition to the difficulties and problems which have been discussed in connection with the system of conscription and exemption was the problem of granting writs of *habeas corpus*. As a result of the applications by conscripts for writs of *habeas corpus*, many interesting decisions were rendered by the North Carolina Supreme Court concerning the conscription system and the rights of soldiers and citizens. The problem of the writ of *habeas corpus* in North Carolina was one of vast importance because of the attitude which the Supreme Court of North Carolina took toward it. It is well to note also that Chief Justice Pearson, as a rule, favored the applicant, and the other two judges gave the military power wider range. In this brief discussion of *habeas corpus*, only a few of the principal cases which arose in North Carolina during the Civil War from the laws passed by the Confederate Congress will be mentioned.

At the June Term, 1863, of the North Carolina Supreme Court, the right of state judges to release prisoners by means of the writ of *habeas corpus* was decided.⁶⁹ J. C. Bryan of Franklin County had procured a substitute, who was received by Colonel Mallett, and thereupon Bryan was discharged. However, he had been taken into custody as a conscript. The Confederate Government sent Attorney Strong to Raleigh, who argued that the state court did not have a right "to interfere with and thwart officers of the Confederate States acting in the exercise of authority under the law of that government." On the other hand, the state's counsel claimed that application for a writ of *habeas corpus* was the only way in which the states could appeal to the central government. On these grounds the court held that it had the right "to put a construction upon the acts of Congress, so far as they involve the

⁶⁸ O. R., Series IV, Vol. III, pp. 1100-1110.

⁶⁹ Bryan, *ex parte*, 60 N. C., 32.

rights of the citizen" and that it had jurisdiction in the matter of *habeas corpus*. Bryan was released and the cost of the proceedings was placed on the officer making the arrest.

Was a soldier who was in the service on October 12, 1862, (date of second exemption act) exempted from service under conscription laws? The court decided that if he had been sent to the field, he was not entitled to exemption; but in case of a blacksmith who had been detailed to a government position, he was entitled to exemption.⁷⁰

Appeals were made for writs of *habeas corpus* by principals who had furnished substitutes. Judge Pearson granted the writs because he felt that calling principals into service was unconstitutional. His decision was based on the theory that the principal and the government had entered into a contract.⁷¹ However, the decision was reversed at the regular session by a vote of two to one.⁷² The Secretary of War ordered that the decision of Judge Pearson should be disregarded. He declared that a substitute's becoming eighteen, automatically placed the principal in military service.^{73*}

In the matter of Long, who had procured a substitute, but had been enrolled under the new act of 1864, Judge Battle refused the writ because Congress had the right to pass the law making all principals liable to conscription for the purpose of increasing the military forces.⁷⁴ In the case of Gatlin and Walton, referred to above, Judge Pearson had argued that a principal could not be inducted into service through the Act of January, 1864, on the ground that the constitution did not give Congress the power to violate its own contract.

Was a substitute, who was never within the conscription limits, discharged from service when his principal went into service in 1864? Judge Manly decided that he was not, because

⁷⁰ *In re Guyer*, 60 N. C., 77. (1863)

⁷¹ *Gatlin vs. Walton*, 60 N. C., 331. (1864)

⁷² Brummer, "Interpretation of Confederate Constitution" in *Southern History and Politics*, p. 114.

⁷³ Letter from Secretary of War Seddon to Governor Vance, May 11, 1863. *Vance's Manuscripts*, Vol. II.

* He held that since the published regulations as stated above were within the scope of power confided by Congress and since the conscription act went on the principle that the state may call all men into service, it naturally followed that when a substitute had passed from that status to the status of one who was liable to military service in his own behalf the principal again became liable for military duty.

⁷⁴ *In re Long*, 60 N. C., 523. (1864)

it was plain from the law that the status of McDaniel, the substitute, was the same as before the passage of the act. If a substitute were taken out every time a principal was brought in, the act of January, 1864, would be a nullity.⁷⁵

There were numerous decisions made by the State Supreme Court, but the most interesting seem to be in regard to the exemption of state officers. After enrollment in the Confederate Army, did election and qualification as a state official exempt a man? The North Carolina court decided in the case of *Bridgman versus Mallett* that the man was in military service. Bridgman was a private, and had been elected Register of Deeds of Hyde County. Judge Battle refused to discharge him because his services were not "essential to the government" and, if they were, it would be easier for Hyde County to get another man than it would be for the Confederate Government. He urged that the states should allow the government to exercise its lawful "war powers." Chief Justice Pearson took the point of view that the Richmond government got its powers from the states and that its powers were subservient to the rights of the states; therefore, the states could elect any man they wished to fill an office.⁷⁶

The Confederate Government felt that conditions had reached such a climax in North Carolina that it was necessary to suspend the writ of *habeas corpus*. Through an unofficial source, Governor Vance heard of the plans of Congress; then he wrote to President Davis February 9, 1864, urging him not to permit the passage of such a bill, because the people would lose respect for the government when they were thrown in prison without any sort of trial. He pointed out, also, that leading conservatives were planning a convention to oppose the bill.⁷⁷ Mr. Davis replied by refuting the accusations that Vance had made and by promising that the law would be applied only where it was necessary.⁷⁸ Not only was the Governor opposing the proposed measure; other state officers were willing to defeat it. Among those who supported reso-

⁷⁵ *McDaniel vs. Trull*, 60 N. C., 399. (1864)

⁷⁶ *Bridgman vs. Mallett*, 60 N. C., 492. (1864)

⁷⁷ *O. R.*, Series I, Vol. LI. Pt. II. pp. 818-819.

⁷⁸ *Ibid.*, 824-27.

lutions against the suspension of *habeas corpus* were Mr. Fowle and Mr. Warren of the State Legislature.⁷⁹

The writ of *habeas corpus* was suspended by the Confederate Government on February 15, 1864. Chief Justice Pearson held that any conscript petitioner was entitled to a writ because the suspension applied only to those who were criminals.⁸⁰ His two colleagues decided otherwise in the cases of Long and Rafter.⁸¹ The applicant for a writ, M. Long, alleged that he had put a substitute in the army of the Confederate States to serve in his stead for three years, or the war, and that he had been again enrolled and taken into custody; Long contended, therefore, that the law which called principals into service was unconstitutional. Judge Battle in deciding the appeal for a writ said that he could not issue writs, according to the law, asked for by any one who was being held as a conscript, for this was an indication of an "attempt to avoid military service." For this reason he declined the writ. Battle said, also, that the writ could not be issued, for Congress had express powers to give the President or Secretary of War the right to arrest persons without *habeas corpus* proceedings, because "public safety may require it."

The people and the Governor sought at all times to uphold the civil law. The Governor's and the President's correspondence showed that each was determined to stand by his respective government. However, the Confederate Government allowed the writs which had been granted to stand and the state courts won only half a victory. Through Vance's ceaseless efforts, North Carolina was the only state in the Confederacy in which the writ of *habeas corpus* was not suspended.⁸² The people of the state in the meetings of 1863 and 1864, which have been mentioned in connection with conscription, passed resolutions against the suspension of the writ. Though it was not suspended throughout the state, Salisbury, for instance, at one time was deprived of the writ of *habeas corpus*; but sentiment was aroused against such suspension, and several inter-

⁷⁹ Fayetteville *Observer*, February 6, 1865.

⁸⁰ Brummer, "Interpretation of Confederate Constitution" in *Southern History and Politics*, p. 130.

⁸¹ *In re Long*; *in re Rafter*, 60 N. C., 523, 526.

⁸² Dowd, *Life of Vance*, p. 81.

esting cases arose, in which Captain McCoy, head of the prison there, was the chief figure, having refused to honor the writs issued by Chief Justice Pearson. The Legislature of North Carolina which met on May 17, 1864, enacted by the introduction of Mr. Boyden, of Rowan, that any one attempting to prevent the issuing of a writ of *habeas corpus* should be fined \$1,000, and imprisoned not less than one year; that if any person carried a person beyond the state boundary (in civil life), such offending person should be fined \$2,000 and imprisoned for not less than one year; and that the governor should demand the return of said person by the Confederate Government.⁸³ It is interesting to note that when the matter of suspension came up in the Confederate Congress, Mr. Gaither of the minority argued against the suspension of the writ.⁸⁴ The Legislature of North Carolina pronounced the act suspending the writ of *habeas corpus* unconstitutional.⁸⁵ Resolutions ratified the 6th day of February, 1865, declared that the Confederate States were bound by the Constitutional provision that no person should be "deprived of life, liberty or property, without due process of law." Another section of the resolution was as follows: "*Resolved*, That Congress has no Constitutional power to impair the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, by authorizing arrests otherwise than under warrants returnable before regularly established, constitutional tribunal of the country, 'except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger'."

CONCLUSION

From this consideration of conscription and *habeas corpus*, it is seen that North Carolina was not in sympathy with the method which was adopted by the Confederacy for raising an army and that the state used its bill of rights to protect its citizens. In many instances it seems that the state did not have the slightest idea that the war power had to exceed the

⁸³ *N. C. Public Laws*, 1864, Ch. 28; *Fayetteville Observer*, June 6, 1864.

⁸⁴ *Ibid.*

⁸⁵ *Public Laws of North Carolina*, 1865, p. 41.

civil authority in time of war. But it must be remembered that the state was particularistic in its theories concerning the relation of the central and the state governments. The value of conscription in North Carolina does not rise very high if figures are at all indicative of what its value was. The principal thing to be noted in the working of this system in North Carolina is that in the state's attempt to give full military support of the central government, it was also able to maintain its supremacy as a state. The constant wrangle between the two governments over conscription and *habeas corpus* make the subject very interesting. It seems that conscription in North Carolina, as well as in other states, was not of supreme value, but the data which has been given above indicates that conscription was an advantage to the Confederacy in one respect at least—it retained the twelve-months men in 1862.

THE POPULIST PARTY IN NORTH CAROLINA*

SIMEON ALEXANDER DELAP

I. ANTECEDENTS

In order to understand thoroughly the origin of the Populist Party in North Carolina, it is necessary first to trace briefly its origin and organization in the United States. Three stages of advancement in farmers' organizations appear in the Grange, the Farmers' Alliance, and the Populist Party. The causes and discontents giving rise to each were practically the same. In the case of the first two, it may be said that they exerted a great influence in politics, but were not political organizations; as to the latter it was a real political party. Around the year 1890 occurred a series of conventions out of which finally developed the Populist Party. The first of these conventions in which the third party idea appeared was held at St. Louis, December 6, 1889, and was composed of not only the delegates from farmers' organizations, but also delegates from the Knights of Labor. At this meeting these societies united under the name of the Farmers' Alliance and Industrial Union and passed resolutions regarding the free coinage of silver, sub-treasuries, paper money, abolition of national banks, government ownership of railroads, non-ownership of land by foreigners, prohibition of futures in grain, and the reduction of the nation's income to expenses. On December 7, 1890 another convention was held at Ocala, Florida, but no political organization was effected.

The launching of the third party was effected at the Cincinnati convention, of 1891.¹ It included in its platform, besides such measures as those adopted by the St. Louis convention, certain measures to conciliate the laboring men, as an eight-hour day law, but the real platform of the Populist Party was adopted at the Omaha convention of July 4, 1892, and was immediately called the second Declaration of Independence, a name due more probably to the day on which it was held than

* This essay was awarded the Southern History Prize of the Trinity College Historical Society in 1918. The author entered Trinity in 1914 and graduated with the degree of Bachelor of Arts in 1918.—W. K. B.

¹ McVey: *The Populist Party* (Economic Studies, Vol I, p. 138.)

to any measures advocated. Free coinage of silver, a minor clause on the abolition of national banks, a sub-treasury scheme, a graduated income tax, government ownership of railroads, non-ownership of land by foreigners, plenty of paper money, revenue of state and nation limited to expenses, election of United States Senators by popular vote, an eight-hour-day law, postal savings bank, pensions and restriction of immigration—these measures were all advocated. It can easily be seen that some of these measures, as the restriction of immigration and the eight-hour-day law, were primarily for the benefit of the laborer, while the rest were either for both classes in common or primarily for the farmer.

The organization of the Populist Party in North Carolina was by no means a sudden occurrence, arising from needs which had sprung up only shortly before the organization of the party. The conditions which preceded it, and the various stages leading up to political organization, may be traced back for many years before. The organization of the farmers into one band for their mutual protection and welfare was first effected by the organization of the Grange in 1873.² The first Grange was organized early in the year, for by May 19, 1873, there were in the state twenty Grange organizations, or six Granges to every 100,000 of the agricultural population. The growth of the movement was rapid, for by October, 1873, the number of Granges had increased to 110, or thirty-seven to every 100,000 of the agricultural population. The increase in the establishment of these Granges still continued, as shown by the fact that on March 1, 1874, there were 243 Granges, or seventy-nine to every 100,000 of the agricultural population, and by September 1 of the same year there were 430, or 141 to every 100,000 of the agricultural population. The high water mark in the spread of the movement was reached by January, 1875, at which time the number of Granges in the state was 477, or 151 for every 100,000 of the agricultural population. The membership of the organization totalled over 10,000. By the next year the Granger movement began gradually to decline, both in regard to membership and in regard to the number of Granges, and by July, 1876, only 240

² Buck, *The Granger Movement*, p. 58.

Granges with a membership of 7,563 were in existence. This decline, however, was manifested elsewhere, Georgia, Florida, and the North-Central States experiencing an equal or worse decline.³

Since the Granger organization was not a political organization, it took no direct part in the politics of North Carolina; however, many of its undertakings so influenced and directly bear upon the Farmers' Alliance, established later, and out of which came the Populist Party, that some discussion of its work is necessary.

The activities of the Grange in North Carolina were not as far-reaching and extensive as in other states. Here as well as in Virginia and Florida little was accomplished in the way of distributive coöperation, beyond making arrangements for purchasing fertilizer at reduced prices.⁴ Few coöperative stores were established in the South by the Grange during the early days of its career, but along about 1875 after the promulgation of rules by the National Grange favoring the establishment of coöperative enterprises, they began to make their appearance. By 1882 Grange coöperative stores had been formed in North Carolina and were reported successful.⁵

Another undertaking of the Grange in North Carolina was the establishment of mutual aid societies which served as insurance companies for the protection of its members. This undertaking, however, proved unsuccessful. However, the Grange became interested in the question of schools and educational institutions soon after its establishment and accomplished some effective work in regard to them.⁶ The State Grange adopted a resolution calling for instruction on a variety of subjects "necessary to the intelligent regulation and management of the farm . . . and the household."⁷ It recommended that the subordinate Granges in the state interest themselves in the establishment of good local schools and that they make appropriations for their support. The establishment of primary and even high schools in connection with local

³ *Ibid.*, p. 69.

⁴ *Ibid.*, p. 253.

⁵ *Ibid.*, p. 265.

⁶ *Ibid.*, p. 290-291.

⁷ *Ibid.*, p. 290.

Granges was recommended, if practicable. As a result of this agitation, several Granger schools were established throughout the state.

As before mentioned, the activities of the Grange itself were not very important, but as will be seen later, especially in the matter of education, the Grange was the forerunner of the Farmers' Alliance and also the Populist Party.

The next step which must be mentioned in leading up to the organization of the Populist Party in North Carolina is the formation and development of the Farmers' Alliance. It was organized October 4, 1887, and soon was composed of 132 subordinate alliances scattered over eight counties.⁸ Its increase from the start was rapid, and by August 14, 1888, there were 1,018 sub-alliances, with a total membership of nearly 42,000 scattered over fifty-two counties. The mountain counties were yet untouched by the Alliance, while those counties leading in sub-alliances were Wake, Chatham, Sampson, Robeson, Moore, Union, Cumberland, and others. At the first annual meeting of the State Alliance in 1888 several resolutions were brought up which are worth noting.⁹ The first was a resolution in regard to the use of the products of the Cotton Bagging Trust. The farmers denounced the trust as a stupendous fraud and called upon Congress to take the necessary steps to unmask it and give relief to the suffering people. They resolved to use a substitute of their own manufacture rather than submit to the extortionate prices of the trust. The second resolution was one demanding of the representatives in Congress that they use all their influence in repealing the tax on tobacco, and another demanded such a "revision of the tariff as will lay the heaviest burdens on the luxuries and lightest on the necessities of life and as will reduce the incomes from imports to a strictly revenue basis."¹⁰ A resolution was passed demanding the establishment of a railroad commission by the next legislature, "clothed with ample powers to equitably control and regulate in the interest of the people the freight charges and tariffs on our railroads."¹¹ Another resolution was adopted

⁸ Proceedings of First Annual Session of N. C. Farmers' State Alliance, 1888, p. 3.

⁹ *Ibid.*, pp. 13, 15, 16.

¹⁰ *Ibid.*, p. 18.

¹¹ *Ibid.*, p. 16.

which protested against the policy of giving away the labor of convicts and which demanded laws to prevent "this outrage." A change in the existing laws which would reduce the cost of litigation in minor causes and for the enlargement of the powers of the justices of the peace was also demanded. Another resolution demanded laws preventing the receiving or using of free passes on railroads by public officials. All of these, as is easily seen, were on questions vitally affecting the farmer.

One thing in particular which gave the farmer a great deal of trouble was the Cotton Bagging Trust. An article in the *Progressive Farmer*, state organ for the Alliance, attributes the triumph of the farmers over the trust solely to their pluck and grit in not buying its products.¹² The article raises the question as to why such acts as were perpetrated on the farmer by the trust in an attempt to amass great profits are allowed. It says: "It is because the great mass of the American people, blinded by party spirit and bowing to the mandates of self-constituted partisan bosses, have surrendered their manhood and are victims of designing, corrupt men." Legislatures, it says, should be composed of patriotic, courageous, honest men, not unscrupulous partisans and it rests with the individual voter to put them there.

The annual session of the State Alliance in 1889 was held at Fayetteville, August 13th.¹³ This convention was composed of representatives from eighty-nine county alliances and 1,818 sub-alliances, with a total membership of approximately 72,000 men. In his speech President Alexander said in regard to Alliance demands: "The demands made at our last meeting for certain legislation having not been granted, I earnestly recommend that you determine at this meeting to either abandon making political demands or take such action as will insure your demands being complied with."¹⁴ Resolutions were passed at the convention declaring the unqualified disapproval by the members of the defeat of the Railroad Commission Bill at the last session of the legislature and condemning such action as unwise and unjust. A resolution was passed demanding again of the General Assembly the enactment of a law providing

¹² *Progressive Farmer*, Aug. 6, 1889.

¹³ *Ibid*, Aug. 20, 1889.

¹⁴ *Ibid*, Aug. 20, 1889.

for a railroad commission with full powers to regulate freight and passenger rates upon a fair basis and concluding "that it is the deliberate sense of this State Alliance that the farmers of the state should go into the primary meetings and if possible secure the nomination of such men for seats in the General Assembly as will use their best efforts to enact a railroad commission bill."¹⁵ It can be easily detected from the tone of these resolutions and of President Alexander's speech that there was gradually dawning upon the alliancemen the fact that it might soon be necessary for the Alliance as an organization to enter politics in North Carolina. However, the time was not yet ripe, and this convention left it merely with the individual as to his choice of party and candidates.

An article in the *Progressive Farmer* for October 1, 1889, says: "We are not seeking to aid in upbuilding the Democratic or Republican parties, nor do we desire to form a third party. We stand pledged to vote for no man who will not in public print pledge himself to support our interests." And a few weeks later, on October 15, the same paper under the caption, "The Farmer as a Politician," says that the farmer should be not only an independent voter, but "an aggressive politician." However, it says that there was still no need of a third party.

II. THE ALLIANCE ENTERS POLITICS AS THE POPULIST PARTY

As time went on and the accompanying grievances continued to exist, the trend toward a third party organization became more apparent. With the great educational campaign carried on by means of the *Progressive Farmer*, edited by L. L. Polk, President of the National Farmers' Alliance and Industrial Union, the farmers throughout the state gradually began to awaken and realize that action as a political organization would be necessary before any relief for their grievances could be secured. In an issue of the *Progressive Farmer* of February 18, 1890, the aim of the Farmers' Alliance in entering politics is expressed. The purpose of the Alliance, it says, is not to break either the Democratic or Republican parties, but to reform and control them, to take the control of the parties "out of the hand of the bosses." Boss control, in fact, seemed to account

¹⁵ *Ibid.*

for the indifference and carelessness of the old parties, especially the one in power, the Democratic party, in handling or rather in failing to handle live issues. In order to rid themselves of "bossism" and corruption in politics, the farmers later at their annual session in 1891 came out strongly for a secret ballot law to be passed by the next legislature. Failing to obtain it, naturally they turned more and more to the third party idea. As a result, as will be seen later, the Populist Party appeared in 1892.

The railroad question, one of the most vital with which the farmers had to deal, continued to harass them. An article in the *Progressive Farmer*, February 25, 1890, sets forth the view of the farmers in regard to the railroads. The railroads were built at a great cost to the taxpayers; they were built by the "private means of the farmers of North Carolina." The amount paid yearly in taxation for the benefit of the railroad companies, according to the article, amounted to more than the entire expense of the United State Government in any one year prior to 1860. It says: "Today the railroads and banks control the country." In another article of the same issue the writer pleads for a law to be passed regulating the railroads which would make their rates reasonable and just, the same for one person as for another; prevent the giving of any undue preference as between persons, localities, or kinds of traffic. forbid discriminating rates and charges as between connected lines and contracts and agreements for pooling the freights of different roads. It will be remembered that prior to this time throughout the country railroads had been indulging in a cut-throat competition. Freight and passenger rates were high in some parts of the country and low in others. Discrimination in favor of some and against others was practiced by nearly all roads. Such high rates were charged in North Carolina as to prevent the farmer from shipping and making a profit on his shipment, and his products had to go to waste. The Eastern North Carolina trucking industry especially suffered from exorbitant freight rates, and what should have been a profitable business was not able to thrive on account of the railroad tariffs.

Besides, the railroad service was by no means as efficient as people desired. One instance will serve to show its in-

efficiency.¹⁶ A lady who lived at a station next to Durham desiring to go to a certain station between Durham and Henderson boarded the R. & D. cars at her station at 6:00 P.M. and as she was entering Durham at 6:30 P.M. she met coming out of Durham the Henderson and Durham train on its way to Henderson. Consequently, the lady was obliged to remain in Durham twenty-four hours before she could again get a train to her desired destination. The railroads were indifferent, says an article in the *Progressive Farmer*, and ran their trains not for the good of the public, but for their own private gain.

At the annual meeting of the North Carolina State Alliance, held at Asheville in August, 1890, another demand was made for a law providing for a railroad commission. The campaign of 1890 was fought with the establishment of the railroad commission as one of the main issues. The farmers' attitude was expressed in this manner.¹⁷ "We want a commission and intend to have on. We want a commission that will compel the railroads to haul a barrel of apples from Lenoir to Salisbury for less than it will haul a barrel from New York City to Salisbury. We want a commission that will prevent the roads from charging as much for a hundred pounds of freight hauled ten miles as they charge for the same hauled 150 miles. We want a commission that will put the freight charges low and the passenger rates so low that all can take advantage of it."

As a result of the many demands made by the Farmers' Alliance for the establishment of a railroad commission, Governor Fowle at the opening of the legislature, in 1891, recommended and urged the passage of a law which would provide for a railroad commission.¹⁸ After much discussion a bill was passed providing for three commissioners, who were to be elected by the General Assembly. Their duties were to fix reasonable and just rates and to investigate complaints regarding inter-state as well as intra-state freight rates and to bring them to the attention of the Inter-State Commerce Commission. Appeals from the decisions of the railroad commission could be made in the state courts. Although this law was passed before the Populist Party was organized, nevertheless the rail-

¹⁶ *Ibid*, Mar. 4, 1890.

¹⁷ *Ibid*, Oct. 28, 1890.

¹⁸ Ferguson: *State Regulation of Railroads in the South*, p. 167.

road question continued to bother the farmers and must be regarded as one of the causes of the organization of the party.

The financial conditions of the farmer must be carefully studied in order to reach a real understanding of the entrance of the Farmers' Alliance into politics. In a carefully prepared article Colonel L. L. Polk presented the condition of the farmers in the United States in a clear, convincing manner.¹⁹ The figures as he gave them are as follows:

Crop	Wheat (Bushels)	Price	Value
1885	421,086,160	\$1.10	\$463,194,776
1889	490,560,000	.86	421,881,600
Crop	Corn (Bushels)	Price	Value
1888	1,987,790,000	\$677,561,580
1889	2,112,892,000	597,918,820

The average price for corn for year 1890 was 37 cents per bushel.

Crop	Cotton (No. bales)	Price	Value
1871	4,352,317	.20	\$391,708,649
1887	6,513,623	.10	293,093,035

The average price of cotton for year 1890 was 11 cents per pound.

These figures show not only that the price of staple products was decreasing, but the total value of a greatly increased crop was less than in previous years. The increase in mortgage indebtedness on land for loans from 1880 to 1887 was twenty-three per cent. The total mortgage debt on property was \$21,471,428. The debt per capita for North Carolina was \$13.00.²⁰

With this decrease in the value of the property of the farmers, the burden of taxation imposed upon them increased. In 1850 the total wealth of the United States was \$7,135,780,-228. The total amount assessed for taxation was \$6,024,666,-909. The farming class owned \$5,016,123,000 of the wealth, which was eighty-four per cent of the taxed property and seventy per cent of the total wealth of our country. By 1890 a change had taken place. The total wealth of the country was

¹⁹ *Progressive Farmer*, Apr. 29, 1890.

²⁰ Senate Report, 1894-95, Vol. I, report 787, p. 80.

\$64,000,000,000. Of this \$24,000,000,000 was assessed for taxation. The farmers wealth was \$15,000,000,000, or less than twenty-four per cent of the total wealth of the country, and yet it was sixty-two per cent of all the taxed wealth of the country.²¹ Thus the total wealth of the farming class was decreasing, while its share of the taxation was rapidly increasing. In such a condition the farmers felt the need of radical changes in legislation. They sought to avoid politics as long as they could; they suggested, and begged, and argued. One measure which they demanded in order to emerge from their terrible financial status was a change in the monetary system. The fault of such depression as the farmers were experiencing was not theirs, they said, nor was it the fault of God. "It is the fault of the terrible financial system of the Government, a system that has placed on agriculture an undue, unjust proportion of the burden of taxation. Our currency has been contracted to a volume inadequate to the necessities of our people and trade, the result being high priced money and low priced articles."²² A remedy suggested and urged by the Farmers' Alliance was the sub-treasury plan, by which the people might secure a flexible volume of currency, sufficient in amount to accommodate the demands of trade and business of the country. About this time the condition of the currency system was such that, had all the currency been in circulation, there would have been only \$21.75 per capita, and the farmers demanded \$50 per capita as a reasonable basis. The sentiment of the farmers in North Carolina was voiced in the address of L. L. Polk, President of the National Farmers' Alliance, delivered before the defeat of the sub-treasury plan in the Senate. He spoke in part as follows: "We do not claim it (sub-treasury plan) as the only measure through which relief may be brought to our suffering and distressed people We would be only too happy to receive at your hands a wiser and better measure, but these suffering millions must have relief. They ask for bread and will not be content with a stone."²³

Such were the fundamental conditions which preceded and caused the organization of a third political party in North Caro-

²¹ *Progressive Farmer*, Mar. 11, 1890.

²² *Ibid.*, Apr. 29, 1890.

²³ *Ibid.*, June 10, 1890.

lina, composed in the main of farmers educated in the Grange and Farmers' Alliance, and known by the name of the Populist Party. The oppression of the farmers by the railroads and the trusts, such as the Cotton Bagging Trust, the poor and exhausted condition of the farmer, loaded down with debt, the currency inadequate for the business of the country, the old parties under the control of the bosses to such an extent that any proposed legislation favoring the farmer was defeated in the legislature—these were the fundamental causes of the farmers' appearance in the politics of North Carolina as a distinct party. And all these problems, together with others which arose from time to time, played a great part in the history of that party's career.

III. ORGANIZATION AND HISTORY UNTIL 1896

Late in 1891 the *Progressive Farmer*, state organ for the Farmers' Alliance, began to come out openly with the fact that the Alliance had decided to enter politics. It said that the farmers had kept out of politics too long; that they had too long trusted their legislative interests to the care of those not in sympathy with them.

As the election year of 1892 approached both parties looked with doubt at the probable course the Farmers' Alliance would pursue and its effect upon the state elections. But the Democratic Party soon began to show more signs of worry than did the Republican. The Democratic press was violent in its opposition to the entrance of the farmer into politics and, as was said later, it set out to "make Populism odious in North Carolina." The Republican press, on the other hand, was mild, and seemed to foresee a probable fusion of the two parties. In regard to the Democratic press, the *Progressive Farmer* for March 1, 1892, says: "It is well known that two years ago the Alliance together with its friends was the Democratic Party in North Carolina; yet now there is not one Democratic paper in the state which champions the cause of the farmer." Although men originally from both parties made up the Farmers' Alliance, it was evident from the first that there were more former Democrats in its ranks than former Republicans, and it was easily detected that for the past year or two the Demo-

cratic Party had suffered more criticism at the hands of the Alliancemen than had the Republicans. Besides, out in the West where the Democrats were in the minority, the Populist Party had united with them and defeated the Republicans in several states, notably Kansas, Nebraska, and South Dakota. The Democrats in North Carolina feared the farmers would profit by the example of their fellow members in the West and unite with the minority party of the state, the Republican Party, in order to obtain representation themselves. The *Wilmington Morning Star* of April 3, 1892, looked with dread at the fusion of the Populists and the Republicans, and referred to a meeting of the Alliancemen in Chatham County as a meeting of the "Party of False Pretenses."

Soon after his return from St. Louis, where a platform had been adopted by the National Farmers' Alliance, Marion Butler, President of the North Carolina Farmers' State Alliance, issued a call for delegates to a state conference to be held at Raleigh, May 18, 1892, the meeting day, also, of the Democratic State Convention. The meeting was attended by delegates from seventy counties.²⁴ The Democratic Convention, hoping in some way to prevent the disruption of the party, tried to conciliate the Alliancemen by nominating Elias Carr, former President of the State Alliance, for Governor, and by including in its platform planks advocating the free-coinage of silver and a graduated income tax. However, the Alliancemen were not satisfied. They felt that they had trusted their interests to the Democratic Party too long and they were anxious to try their wings. They determined to steer clear of both old parties and to put out a separate ticket in the approaching election. Both old parties, they believed, were controlled by "gold-bugs." The *Progressive Farmer* for May 31, 1892, said: "Cling to Wall Street, old party leaders, if you will, but the people will walk off and leave you."

The State Convention of the Peoples' Party was held in Raleigh August 16, 1892. "It was about equally composed of Republican whites and negroes and disappointed Democrats," said the *Wilmington Star* for August 16, which paper, however, seemed to bear such grudge against the party that we can

²⁴ *Raleigh News and Observer*, May 19, 1892.

hardly accept its statement as correct. The convention was attended by 495 delegates, representing seventy-two different counties.²⁵

Marion Butler, of Sampson County, was made temporary and permanent chairman. Harry Skinner, of Pitt County, was placed in nomination for Governor, but he asked the privilege of withdrawing from the race if during the campaign it appeared that the Republican candidate for Governor would carry the state. Much opposition arose at once to this request and he withdrew his name. Then Wyatt P. Exum and J. H. Mewborne were presented to the convention; Exum was nominated. The remainder of the ticket was as follows: Lieutenant Governor, R. A. Cobb; Secretary of State, L. N. Durham; Treasurer, W. H. Worth, Auditor, T. B. Long (later succeeded by E. G. Butler); Attorney-General, R. H. Lyon; Superintendent of Public Education, J. W. Woody.²⁶

The platform adopted favored strict economy in the administration of the State Government, fullest development of educational institutions, and the encouragement of great agricultural, mechanical, and manufacturing industries. The convention also adopted the following declarations:²⁷ "We demand of our General Assembly at its next session to pass a bill reducing the legal rate of interest to six per cent. We demand of the General Assembly of North Carolina to force, as far as is in its power, all railroad property and interests that are now escaping taxation, in whole or in part, to pay its full and equal share of taxes for the support of the Government of North Carolina, as the property of the farmers, laborers, and other citizens are now taxed." The platform also favored the sustaining of the railroad commission bill passed in 1891. A resolution was passed favoring a ten-hour day system in mines, factories and public works.

The Populist Party went into the campaign in earnest. Public speakings were conducted throughout the state to arouse the farmers. Joint debates with the Democrats were held occasionally and a goodly array of newspapers began to

²⁵ *Progressive Farmer*, Aug. 23, 1892.

²⁶ Appleton's *Annual Cyclopaedia*, 1892, p. 527.

²⁷ *Progressive Farmer*, Aug. 23, 1892.

champion the cause of the People's Party and Farmers' Alliance. The following papers may be mentioned as belonging to the North Carolina Reform Press Association, which pledged itself to advocate the principles of the Ocala platform:^{27a} *The Progressive Farmer*, state organ, Raleigh; *The Caucasian*, Clinton; *The Workingman's Helper*, Pinnacle; *The Watchman*, Salisbury; *Farmer's Advocate*, Tarboro; *Country Life*, Trinity College; *Mercury*, Hickory; *Rattler*, Whitakers; *Agricultural Bee*, Goldsboro; *Alliance Echo*, Moncure; *Special Informer*, Raleigh; *Carolina Dispatch*, Hertford.

In the election the Populists made a very creditable showing. The Democratic vote for President was 132,951, the Republican vote was 100,746, and the Populist vote was 44,723. Exum received a vote of 47,840; Carr, Democrat, received 135,519 votes; and Furches, Republican, received 94,684 votes. In the State Senate were forty-seven Democrats and three Populists. In the lower House were ninety-three Democrats, sixteen Republicans, and eleven Populists. The counties which polled the largest Populist vote were: Chatham, 2,240; Nash, 1,348; and Sampson, 1,585. In the mountain counties the movement seems to have gained very little ground. The following counties polled very few Populist votes: Alleghany, Buncombe, Cherokee, Graham, McDowell, Mitchell, Transylvania, Madison, Polk, and Surry.²⁸

With just a small representation in the legislature of 1893 the Populist Party was unable to get through any legislation for the interest of its members. However, its influence on the other two parties can easily be detected in the policy towards the railroads. The Populists were sorely discontented on account of the provisions of the charters of several railroads which made them free, or partially free, from taxation. A gradual surrender of charters began to take place. The Raleigh and Gaston Railroad was induced to surrender its chartered right to exemption from taxation. Later the Wilmington and Weldon Railroad surrendered its claim to exemption from taxation and from regulation of its tariff rates by the railroad commission. Last of all, the only remaining exempted road,

^{27a} *Ibid*, Aug. 30, 1892.

²⁸ Connor, North Carolina Manual, 1913.

the North Carolina Railroad, through the efforts of the Governor, surrendered its rights and in 1894 became subject to taxation.²⁹

Between the election of 1892 and the year 1894 the Populist Party gradually gained ground and added new members to its ranks. The repeal by Congress of the Silver-Purchase Act and the severe panic of 1893 added more causes for discontent. The tariff, also, had been tampered with by the Democratic Party, thus giving the Populists more cause for complaint.

One event in the state also had given new impetus to the Populist Party and made it more determined to win out in the election of 1894. That was the action of the legislature in 1893 in amending the charter of the State Alliance so as to annul it when the least excuse for such action might arise.³⁰ The amendment in fact was aimed at the very life of the Alliance, and was so worked out as to make the organization cumbersome and powerless. It prevented any increase in the salaries of the Alliance officers and the penalty for any violation of this act was the forfeiture of its charter. It prevented any member of the Alliance from calling upon any representatives of the legislature to urge them to pass or not to pass certain laws. Other insignificant things were prohibited, upon violation of which the charter was to be forfeited. Marion Butler, in his speech at the Alliance State Convention held at Greensboro about the middle of August, defended the entrance of the Alliance into politics and appealed to its members to elect fair men to the next legislature, men who would not only repeal the law amending the state charter of the Alliance, but who would "repeal the force bill election law on our statute books, which makes it possible for a corrupt machine in a party to defeat the will of the majority, even of that party, much less the majority of the people."^{30a} In other words, the Populists were convinced, whether justly so or not, that in the election of 1892 they had been "stolen out," and in the coming election they resolved to summon all their strength in order to gain control of the legislature and enact some badly needed reform laws.

²⁹ Annual Cyclopedia, 1893, p. 533.

³⁰ *Progressive Farmer*, Aug. 22, 1893.

^{30a} *Ibid.*

In the election of 1894, therefore, the Populist Party again made preparations to put candidates into the field. The *News and Observer* for July 31, 1894, stated that a conference was held in Raleigh on the day before between Republican and Populist leaders regarding the ticket to be nominated and the platform to be adopted by the Populists. The Republicans, it stated, were then to ratify the Populist nominations at their convention, which was to meet on August 3. The Populist Party held its convention in Raleigh, July 31. A Chief Justice, three Associate Justices, six judges of the Superior Court, and a State Treasurer were to be nominated. For Treasurer, W. H. Worth, Populist, was nominated; for Chief Justice, W. T. Faircloth, Republican, was nominated. Walter Clark, Democrat; D. M. Furches, Republican; H. G. Connor, Democrat (later succeeded by W. A. Montgomery, Populist), were nominated for Associate Justices. These nominations by the Populists were in accordance with the resolutions which they had passed declaring that the Party held it as a principle that the office of a Judge should be filled irrespective of party affiliations.³¹

The platform³² declared in favor of free and unlimited coinage of silver at the ratio of 16 to 1, denounced the Democratic and Republican parties for their action in regard to silver, denounced both the McKinley and the Wilson tariffs, favored a graduated tax on incomes, prohibition of the practice of dealing in futures, favored restricted immigration, and the election of United States Senators by popular vote. "We demand the abolition of National Banks and the substitution of legal tender Treasury notes to supplement the use of gold and silver money, issued in sufficient volume to do the business of the country on a cash system." "We denounce both the Republican and Democratic parties for contracting the currency of the country while population and business increases, and also for the further crime of issuing interest-bearing bonds in time of peace."

The platform urged the use of the ballot as the remedy for bettering labor conditions and it also opposed strikes. It said:

³¹ Annual Cyclopedia, 1892, p. 552.

³² *Progressive Farmer*, Aug. 7, 1894.

“the present administration, the present Senate and Congress, seem to be composed largely of men who are outstripping their predecessors. Some of them are old-timers, and their new associates have caught the infection. The money power, whiskey, sugar, and other monopolies, are represented in the cabinet and in both houses of Congress. At present we have a Government of, for, and by trusts and monopolies. In striking contrast to the above we point with pride to the clean record made by our little band of People’s Party Senators and Congressmen, always at the post of their duty, never arrested to make a quorum, unselfish, fearless, incorruptible, like true Spartans, they have stood by their pledges to a man.”

Concerning the affairs of the state, the platform favored four months schools as a minimum for both the white and colored races. It condemned the Democratic party for its failure to carry out the anti-trust laws which were on the statute books, and for failure to prosecute officers of broken banks. It favored establishing a reformatory school for young criminals. It condemned the General Assembly for its extravagance and accused the Democratic Party with fraud in the election of 1892, “by which thousands of citizens who had voted for years under the same registration were deprived of their suffrage, by which, ballots of the People’s Party, after being delivered to the poll holders to be properly deposited, were destroyed in ‘bull-pens’ and other dark hole voting places, and Democratic ballots substituted.”

The candidates nominated by the Populist Party were endorsed by the Republican Party at its convention. The two parties having some interest in common, as for example the desire for new election laws, considered a policy of fusion as beneficial to them both. Neither could hope to win alone; but by fusion both might get into power. Throughout the counties of the state the Republicans and Populists fused.

The result³³ of the election shows the growth of the Party during the period from 1892 to 1894. The Populist vote in this election was 70,000, an increase of 22,160 votes over the vote in 1892. The number of Populists elected to the legislature gives us a fair estimate of the Party’s strength. In the

³³ Annual Cyclopedia, 1894, p. 553.

Senate there were nine Democrats, fifteen Republicans, and twenty-six Populists. In the lower House were forty-six Democrats, thirty-six Republicans, and thirty-three Populists. The vote for Chief Justice Faircloth, the fusion candidate, was 148,344 against 127,593 for Shepherd, Democratic candidate. The following 31 counties were either carried by the Populists separately or by a fusion of the Populists and Republicans: Pamlico, Iredell, Sampson, Warren, Rockingham, Surry, Pitt, Chatham, Randolph, Alexander, Richmond, Catawba, Forsyth, Davidson, Lincoln, Mitchell, Henderson, Wake, Ashe, Wilkes, Cabarrus, Buncombe, Duplin, Caswell (all the ticket except sheriff), Alamance, Montgomery, Pasquotank, Columbus, Tyrrell, Carteret, and Stokes.³⁴

With the fusion parties controlling a majority in both houses of the Legislature and the Populists separately having a majority in the Senate, new legislation was begun when the General Assembly met in 1895. After the organization of the two houses, the election of United States Senators came up. One Senator was to be elected to fill out the term of Senator Vance who had lately died, and another was to be elected for a full term. J. C. Pritchard, Republican, was elected to fill out the unexpired term, and Marion Butler, a leader of the Populists, was elected for the full term by a vote of 117 to 45.

Both parties, the Republican and Populist, having incorporated in their platforms in the past campaigns demands for new election laws, it was very natural that one of the first bills passed was the bill revising, amending, and consolidating the election laws of the state.³⁵ The law aimed at regulating elections in such minute details that corruption at the polls would be done away with. It provided for the appointment of the registrars of elections by the Clerk of the Superior Court upon recommendation of the chairman of each political party in the county. Each party was to have one registrar at each precinct. The judges of election were appointed in the same way. The registration books were to be revised in such a manner that they showed an accurate list of electors previously registered in each precinct and were to be open to the inspection of elec-

³⁴ *Progressive Farmer*, Nov. 13, 1894.

³⁵ Public Laws of North Carolina, 1895, Chap. 159.

tors on a day preceding election. One means adopted to prevent fraud and vote buying and selling at the polls was the section of the law which made it a misdemeanor, punishable by a fine not exceeding \$500, to receive any money, gift, loan or inducement of any kind, for voting or refraining from voting for any particular person at any election. Another one of the principal features of the bill was that which gave the judges of the higher courts a supervisory power over election officers and gave summary remedies to compel the execution of the laws.

The next subject acted upon by the legislature was local self-government. The whole system was changed by a bill passed by this legislature.³⁶ Prior to this time the county commissioners were elected by the magistrates of the county. The magistrates, on the other hand, were appointed by the legislature. This method afforded ample opportunity for the control of the county government by one political party. The new law provided for the election of three county commissioners by popular vote. Two additional commissioners, of a different political party from the first three elected, were to be appointed by the judge of the district, if five electors of the county would make affidavit that they believed the affairs of the county would be mismanaged if left in the hands of the three elected commissioners, and if 200 voters, half of whom were free holders, would sign a petition to that effect. This law marks a great step forward in local self-government.

The desire of the farmers for a reduction in the legal rate of interest was satisfied by the passage of a bill fixing the legal rate of interest at six per cent.³⁷ Any violation of this act would mean the forfeiture of the entire interest charged, and in case a higher rate had already been paid, the person suffering such charge for interest could recover twice the amount of interest already paid.

The subject of education and public schools was also taken up by this legislature.³⁸ The Populists had been from the first in favor of good schools. Before the Farmers' Alliance became a political party, it had favored better and higher educa-

³⁶ *Ibid*, 1895, Chap. 135.

³⁷ *Ibid*, 1895, p. 75.

³⁸ *Ibid*, Chap. 439.

tion. At the annual session of the State Alliance in 1890 resolutions were passed favoring the increase of the public school tax then in existence by at least twenty-five per cent and favoring ample appropriation by the state for the education of females. The platform of the People's Party in 1892 and in 1894 had favored better educational advantages. In order to satisfy these desires for better education, the public school fund was increased from sixteen to eighteen cents on the \$100 worth of property. However, in attempting to remedy the school system a backward step was taken by the legislature. The county boards of education were abolished and their powers devolved upon the county commissioners. The office of the county superintendent was also abolished and his duties fell partly upon the clerk of the board of county commissioners, partly upon the chairman of the county board of commissioners, and partly upon the county examiner, whose office was provided for in this act and whose duties were to examine teachers for the public schools. The aim of the law seems to have been to concentrate in the hands of the county commissioners, elected by the people, the final power in regard to the county schools; and to further provide for this centralization of power, the choice of school books for the county schools was put into the hands of the county commissioners. The Populists must have had good intentions in regard to this law, but their knowledge of school administration was limited. They lacked at this time sufficiently intelligent leaders who were able to draw up a really efficient public school law.

An increase in appropriations for public institutions was made over the preceding legislature: for Insane Asylums an increase of \$29,529.41; for Deaf, Blind, and Orphan institutions an increase of \$34,850; for educational establishments an increase of \$10,500; for the penitentiary an increase of \$49,158.71; for the soldiers' home \$2,000; for the Normal and Industrial School \$4000.³⁹

A new revenue act was passed increasing the state levy four cents on the \$100 worth of property, thus making the total ad valorem tax forty-three cents on the \$100 worth of property. All exemptions of corporations from taxation were repealed,

³⁹ Annual Cyclopaedia, 1895, p. 556.

and investments by railroads or other corporations in stocks, bonds, etc., were made taxable upon the amount of the value of such investments. License taxes were imposed upon hotels, boarding houses, etc., and the sum of \$10 was levied on every practicing lawyer, dentist, and physician. Such was the work of the legislature of 1895.

PARTY HISTORY FROM 1896 THROUGH 1898

The year 1896 was the year for a presidential election. The money question was the chief issue and the Democratic Party under the leadership of William Jennings Bryan came out strongly for the free-coinage of silver. The Republicans advocated sound money and came out under a gold standard, with William McKinley as their nominee. The Populist Party, since its entrance into politics, had stood firmly for free silver. It had always advocated plenty of money, with \$50 per capita as a basis. Thus in the national campaign of 1896 the Populists endorsed Bryan for President, but nominated Thomas E. Watson, a Populist, for Vice-President. It would have been natural, therefore, for the Populist Party in North Carolina to fuse with the Democratic Party. This course, in fact, was the first one attempted by the Populist leaders. On July 3, 1896, the Populist Executive Committee met in Raleigh. Its members were Marion Butler, W. A. Guthrie, A. S. Peace, W. H. Kitchin, and Congressman Harry Skinner.⁴⁰ This committee passed a resolution inviting the advocates of the free-coinage of silver who were then electing delegates to the National Silver Convention to confer with the People's Party at its state convention to be held in Raleigh, August 13.

The Democrats and Populists entered into negotiations for fusion between the two on August 11.⁴¹ Senator Butler, as chairman of the Populist State Executive Committee, submitted to the Democratic State Executive Committee a proposition for fusion between the two parties.⁴² It provided that the Democrats were to have six and the Populists five votes in the electoral college. As regards the state officers the Populists

⁴⁰ *Wilmington Morning Star*, July 4, 1896.

⁴¹ *Ibid.*, Aug. 12, 1896.

⁴² Cyrus Thompson's Speech, 1892, p. 2.

were to have the offices of Governor, Treasurer, and Superintendent of Public Instruction, and the Democrats were to have the offices of Lieutenant Governor, Secretary of State, Auditor, Attorney-General, and United States Senator. If this division was not satisfactory to the Democrats, the proposition provided that they could take the offices of Governor, Attorney-General, and Superintendent of Public Instruction, while the Populists would take the offices of Lieutenant Governor, Treasurer, Secretary of State, Auditor, and United States Senator. In a division of Congressional districts, the Populists were to have the first, fourth, sixth, and seventh, while the Democrats were to have the second, fifth, eighth, and ninth, the third district being left open for a free fight. Each party was to nominate one Supreme Court Judge. As to county offices "the two executive committees were to use their good offices to secure a fair and honorable division of county and legislative candidates between the two parties in an equitable ratio similar to the above division of State and Congressional offices."^{42a} The proposition failed except in regard to the division of electoral votes. The Populists held the refusal of the Democrats to consent to fusion as an evidence of insincerity. They contended that, owing to the similarity of the platforms of the two parties, fusion by all means should have been accomplished. The Democrats claimed that the Populist demands were unreasonable; that by such a scheme as proposed the Democrats would have everything to lose and nothing to gain; that the aim of the Populist leaders, especially Marion Butler, was to make their demands so unreasonable that no other course was left to the Democrats except to refuse, and, thereupon, the Populists would have an excuse for denouncing them as insincere.

Prior to the meeting of the State Convention of the Populist Party, the Farmers' State Alliance met in Raleigh on August 11th and 12th. It elected as its President Dr. Cyrus Thompson, who in his speech denounced as a disgrace the lease of the North Carolina Railroad and denounced the Democrats in both state and nation. Marion Butler, in a short speech to the members, said in part: "I think we have met to prescribe the funeral of the party bug; we have liberated the people of

^{42a} Pamphlet issued by People's Party, State Central Committee, 1898, p. 9.

America and they are freer today than they have been in a quarter of a century."⁴³

The convention of the Populist Party was held in Raleigh on August 13.⁴⁴ The attendance was large, every county in the state being represented except Chowan. From the first there was a constant fight between Butler's faction against the middle-of-the-road men like Harry Skinner and S. Otho Wilson, who opposed a fusion with the Republicans. Skinner was made permanent chairman. In the nomination for the office of Governor the names of W. A. Guthrie and Cyrus Thompson were presented. Guthrie was selected. For Lieutenant Governor O. H. Dockery, the defeated candidate for the Republican nomination for Governor, was chosen. The middle-of-the-road Populists showed their great displeasure at Butler for trying to nominate Republicans on the Populist ticket, and a clash followed when he presented for nomination the name of Zebulon Vance Walser, a dyed-in-the-wool Republican, for Attorney-General. Not being able to settle their difficulties the two factions left it with the State Executive Committee to nominate one Associate Justice and the Attorney-General.⁴⁵ The remainder of the ticket nominated was as follows: For Secretary of State, Cyrus Thompson; for Treasurer, W. H. Worth; for Auditor, H. W. Ayer; for Superintendent of Public Instruction, C. H. Mebane. The final decision of the State Committee was the nomination of Walser for Attorney-General and W. A. Montgomery for Associate Justice of the Supreme Court. The platform⁴⁶ of the party as adopted supported the election laws and the laws restoring to the people the right of local self-government passed by the last Assembly. Concerning the currency issue the following pronouncement was made: "We favor the exercise of the State of North Carolina of the reserved constitutional power to make all gold and silver coins of the United States (including the trade dollar) legal tender for the payment of debts and that this right be enforced by the passage of appropriate legislation of the General Assembly." The passage of a law was favored to prohibit the giving or

⁴³ *Wilmington Morning Star*, Aug. 13, 1896.

⁴⁴ *Raleigh News and Observer*, Aug. 14, 1896.

⁴⁵ *Annual Cyclopaedia*, 1896, p. 536.

⁴⁶ *Progressive Farmer*, Aug. 13, 1896.

taking of gold notes, bonds, and mortgages in this state and the making of all money demands payable in any kind of lawful money of the United States. A revision and improvement of the school law was also favored as well as the establishment of a reformatory for young criminals. The platform condemned the Democratic Party for its failure to execute the anti-trust laws of the state then on the statute books and favored the establishment of such low freight rates as would allow shippers in North Carolina to realize at least a fair remuneration after the cost of such shipments had been deducted. It recommended a constitutional prohibition of the purchase, lease, or rental of parallel or competing railroad lines in North Carolina and favored a law forbidding the giving of free passes to public officials. The lease of the North Carolina Railroad to the Southern Railroad for a term of 99 years was characterized not only as a bad business proposition, but as a fraudulent transaction.

On such a platform and in a state of fusion with the Democrats as to National Presidential electors and with the Republicans as to the state ticket, the Populist Party faced the people in the campaign of 1896. Also in most of the counties and congressional districts the Republicans and Populists fused. The result of the elections was as follows:⁴⁷ 174,488 as the highest vote for Democratic-Populist electors against 155,122 for the highest of the Republican electors; Russell, Republican candidate for Governor received a vote of 154,052; Watson, Democratic candidate for Governor, 145,416; and Guthrie, Populist candidate for Governor, 30,932. Four Populists were chosen to Congress. In the legislature there were in the Senate seventeen Republicans, nine Democrats, and twenty-four Populists; in the Lower House there were forty-nine Republicans, thirty-six Democrats, and thirty-four Populists. The Populist candidate for Governor probably secured a large part of the negro vote, due to the fact that Russell had spoken of all negroes as savages who "steal six days in the week and go to church on Sunday to play it off."⁴⁸ The whole fusion ticket was elected. In a majority of the counties of the state the Fusion ticket carried the election. The following gave the

⁴⁷ Annual Cyclopaedia, 1896, p. 537.

⁴⁸ *Ibid.*, p. 536.

Fusion candidates a majority: Alamance, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Cabarrus, Camden, Caswell, Catawba, Chatham, Cherokee, Chowan, Columbus, Craven, Cumberland, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Green, Guilford, Halifax, Harnett, Henderson, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, Madison, Martin, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Orange, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rutherford, Sampson, Stokes, Surry, Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wayne, Wilkes, Wilson, and Yadkin.⁴⁹ It must be understood that the above counties did not all give majorities for the fusion candidates for county offices. In fact in all the counties mentioned the Republicans and Populists did not fuse in regard to county offices. The above counties are those which gave the strictly fusion candidates for state offices a majority.

The Republicans and Populists, together, again had a majority in the legislature during the session of 1897. One of the first duties of the legislature was to elect a United States Senator to succeed J. C. Pritchard, whose term was about to expire. Since his election Senator Pritchard had won the opposition of the Populist Party. The cause of this opposition was that in 1895 he was elected as a free-silver man, but in the campaign of 1896 he had changed his views from the free coinage of silver in this country alone to international bi-metalism. The Republicans, however, together with nineteen Populists, who bolted their caucus, succeeded in re-electing Pritchard over the Populist candidate, Cyrus Thompson.

The local self-government law as passed in 1895 was changed by repealing the section which provided that two additional county commissioners, besides the three elected by the people, might be appointed by the judge of the district.⁵⁰

The election law of 1895 was also amended by this legislature. The amendment provided that a county board consisting of the clerk of the Superior Court, Register of Deeds, and

⁴⁹ Pub. Documents of N. C. 1897, Doc. 34.

⁵⁰ Pub. Laws of N. C. 1897, Chap. 368.

Chairman of the Board of County Commissioners should appoint the registrars of election, one citizen from each political party to be appointed.⁵¹ The conscientiousness of the farmer in law making appears in such laws as those prohibiting the sale of liquor near churches and preventing minors from entering barrooms, billiard rooms, and bowling alleys.⁵² The interest of the farmer was provided for in a small degree by a law making land grants valid, even when not registered, in newly created counties,⁵³ and by a law prohibiting the use of fillers in commercial fertilizers.⁵⁴

The Populists desiring to bring to the people better and higher education continued the legislation in regard to schools which they had begun in 1895. The school law of 1895 was revised and provision was made for the state examination of teachers by a State Board of Examiners consisting of three professional teachers appointed by the State Board of Education. Provision was also made requiring the county boards of education to divide the counties into as many school districts as townships in the counties, with as many school houses in the districts as were necessary. Each school was to have the same length of term—four months—this to be accomplished by uniting weak districts. The office of county examiner was abolished and the office of county supervisor was established. The duties of the supervisor were similar to those of our present day county superintendent. The election of the school committees was placed in the hands of the county boards of education, each school committee to be composed of five men, no more than three of whom could come from one political party.⁵⁵

A new revenue law was passed which made a failure to pay poll, property, privilege or license taxes a misdemeanor, punishable by a fine of not more than \$500, or by imprisonment for not more than six months. The law at first placed the total ad valorem tax at forty-six cents on the \$100 worth of property, and the poll tax at \$1.29, but the Constitution would not permit the state tax to exceed one-third the amount of the poll tax; therefore, the levy of 1895, which was forty-three cents,

⁵¹ *Ibid*, Chap. 185.

⁵² *Ibid*, Chap. 287.

⁵³ *Ibid*, Chap. 37.

⁵⁴ *Ibid*, Chap. 286.

⁵⁵ *Ibid*, Chap. 108.

was re-instated.⁵⁶ Here again we see the desire of the Populists to give to the people better education, but their attempt was handicapped again by the lack of a leader who had sufficient knowledge of the law to be able to frame a strictly legal bill, which would provide a sufficiently increased revenue for the improvement of the public educational system.

The subject of railroads was one of the most important handled by the legislature of 1897. Laws were passed in regard to these public carriers as follows: a law repealing the fellow-servant rule;⁵⁷ a law requiring railroad companies to redeem unused mileage;⁵⁸ a law amending the charter of the Atlantic and North Carolina Railroad and subjecting it to state control;⁵⁹ a law increasing the power of the railroad commission provided for in 1891 by a Democratic legislature. Another matter which was considered by the legislature was the cause of an enormous amount of agitation and debate. In 1895 the North Carolina Railroad had been leased to the Southern Railroad Company for a term of 99 years. A quotation from Daniel L. Russell's inaugural address⁶⁰ will show the view taken by the Populists and many of the Republicans. Referring to the lease Governor Russell said: "It was made at a time when nobody expected it. It was made within a few months after the adjournment of our General Assembly. It was made without application to the legislature. It was made without due discussion or submission to the people of the state, all of whom were interested, because the railroad is their property. It was made six years before the existing lease expired. It was made substantially by one man, and that man was the Governor of the state. . . . It was made so far as the people know, or believe, without inviting competition among bidders." The interest of the state amounting to the sum of \$3,000,000 invested in good paying property was sacrificed, said the opponents of the lease. The Democrats defended the lease as a good business transaction, done with full authority. Governor Carr said in his message to the General Assembly in 1897: "I favored the lease of this property and it was done

⁵⁶ *Ibid*, Chap. 168.

⁵⁷ Private Laws of N. C. 1897, p. 83.

⁵⁸ Public Laws, 1897, Chap. 418.

⁵⁹ *Ibid*, Chap. 122.

⁶⁰ Pub. Docs. N. C. 1897, Doc. No. A. p. 7.

by the Board of Directors with my full concurrence and endorsed by the stockholders without a dissenting vote. I believe and still believe it is the best thing that could have been done by the state, and the future will determine the wisdom of the transaction. . . . I heartily join its opponents in inviting a full investigation of these and all other matters connected with our management of the interest of the state in this company, and I insist that such investigation be made by this legislature. . . . After a full, careful, and deliberate consideration of the terms and conditions of the lease, they (directors) acted as the trustees of the state's interests and with the same prudence, care, and judgment as they used in the management of their own affairs."⁶¹

A commission was appointed by the Legislature to investigate the charge of fraud in the lease. Ex-Governor Carr, President Hoffman of the Seaboard Air Line, and Vice-President Andrews of the Southern Railway, were summoned and examined. At one time the Senate voted 26 to 24 to reduce the term of the lease from 99 to 36 years; but the House failed to favor such action and the lease stood.

The *North Carolina Christian Advocate* said of the legislature of 1897: "Three distinct parties were represented. Two of these, the Republican and the Populist, were so divided that they really made four parties. The responsibility of the legislation just enacted must rest upon the Republican and Populist Parties. . . . It (the legislature) was a mixture of age and youth, ability and weakness, wisdom and foolishness, honor and dishonor. . . . Legislation, therefore, of a widely satisfactory nature could hardly be expected under the circumstances."

The year 1897 was not without party interest, though it was not a year for a political contest. The State Executive Committee of the People's Party issued an address in August, part of which ran as follows:⁶² "We have secured to the citizens the right to cast one vote at public elections and to have that vote counted as cast. We have taken the public schools out of the hands of partisan politicians and restored

⁶¹ *Ibid*, Doc. 1, p. 9.

⁶² *Annual Cyclopaedia*, 1897, p. 572.

them to the people. We have given the right of local self-government to each county in the state. We have removed the judiciary of the state to a safe distance from the arena of partisan politics. For a more effective and equitable control and reduction of the encroachments of railroad corporations, we suggest that the railroad commissioners should be selected by a direct vote of the people."

The year 1898 was another election year and an eventful one. The People's Party State Convention met in Raleigh May 17, 1898. It adopted certain resolutions showing its willingness to cooperate with any political party believing in and advocating Populist principles, without asking such party to abandon its organization. The following resolutions were passed:⁶³ First, a resolution endorsing the opening address of the National Chairman of the People's Party urging "an honorable and harmonious cooperation of all who oppose the dominion of gold and monopoly, and who favor the overthrow of the National Bank and railroad influence in controlling legislation." Second, inviting the cooperation of any party favoring the above principle and willing to cooperate in securing the following results; viz.:

"1. To elect nine free silver and anti-monopoly Congressmen.

"2. To elect six judges of ability and high character and free from partisan bias.

"3. To elect twelve solicitors fearless and impartial."

4. To elect an anti-monopoly legislature, pledged to the following: A. A legislature that would enact laws stopping the giving and taking of gold notes and mortgages. B. A legislature which would pass sufficient laws to prevent the removal to Federal Courts of all cases which should be tried in the State Courts of North Carolina. C. A legislature opposed to the 99 year lease of the North Carolina Railroad, and which would use all lawful means to repeal it. D. A legislature which would prohibit the receiving of free passes as well as the giving of them. E. A legislature in favor of the free ballot and fair count and one which would enact laws insuring these.

⁶³ People's Party Pamphlet, 1898, p. 10.

F. A legislature in favor of local self-government and one that would enact laws guaranteeing to counties the right to elect local officers. G. A legislature in favor of a reduction of freight, passenger, and express rates and "that will endorse the action of Commissioner Pearson in taking a stand for such reduction and which will favor upholding the Railroad Commission Law, making the same effective according to all its intents and purposes and which will enact legislation providing for the election of the railroad commissioners by the people."

A conference committee was named by the Populist Convention to confer with any party which would advocate these resolutions. On May 26, one week after the Populist Convention met, the Democratic Convention met in Raleigh. On May 25 the People's Party State Central Committee sent a communication to the Chairman of the Democratic State Executive Committee proposing a fusion between the two parties, provided the Democratic Convention sanctioned the resolutions quoted above. The proposition, however, was immediately declined by the Democratic State Executive Committee. As a matter of fact, the Democrats seemed to perceive the gradual return to the party of its former members who had been Populists and saw no good to be derived by fusion with the party, they said, which had made negro rule possible. The Populists again denounced the Democrats as insincere, corrupt, and controlled still by "gold-bugs."

Thus turned down by the party with whom they logically would have fused, the Populist leaders fell back on their policy of 1894 and 1896. As will be remembered the Populist and Republican Parties had fused in those years and as a result had succeeded in electing a majority of their candidates. Both parties had reaped immediate benefits by the policy of fusion and in the year 1898 the Populists, fearing to face the campaign with a separate, independent ticket, as they had done in 1892, fused again with the Republicans.⁶⁴ A vigorous campaign was conducted by both sides. The Democrats invited the Populists back into their ranks and assured them that the party had been washed, purged, and made "white as snow." Moreover, the

⁶⁴ Cyrus Thompson's Speech, 1898, p. 23.

Democratic platform that year showed a striking similarity to the People's Party platform, and both parties included in their platforms planks favoring the following measures: Fair and just election laws; improvement of the public school system; a law preventing the receiving of free passes from the railroads; extension of the power of the railroad commission; income tax, and the free coinage of silver. What, argued the Democrats, was the use of remaining in the Populist Party when the time-honored Democratic Party advocated the same measures as the Populists? The Populist leaders sought to convince the voters of the state that the Democratic Party was not changed; that it was still controlled by "gold-bugs," such as "A. B. Andrews, vice-president of the Southern Railway, the manager of the politics of the Democratic Party in North Carolina . . . who voted for William McKinley to be President of these United States."⁶⁵ They pointed out that even though the Democratic platform contained much that was in the Populist platform, the Democratic leaders had taken care to be silent on four important issues, namely, local self-government, a law adopted by the Populists prohibiting the taking or giving of gold notes, bonds, and mortgages in this state, and making "all the money demands payable in any kind of lawful money of the United States," the six per cent interest law, and the lease of the North Carolina Railroad.⁶⁶

The result of the election was a great victory for the Democrats. Only seven Fusionists were returned to the Senate as compared to forty-three in the election of 1896, and only twenty-six Fusionists to the lower House of the legislature as compared with the ninety members in the legislature of 1897.⁶⁷ The Democratic majority was 19,000.

For such a great and sudden loss of power, some reasons must be given. It is almost impossible to state specific things as causes and show just how those things brought about the decline of the Populist Party. The growth of negro influence in the politics and government of North Carolina must be considered in connection with the party's loss of power. Just how much this matter affected the cause of the Populists in the

⁶⁵ *Ibid*, p. 4.

⁶⁶ People's Party Pamphlet, 1898, p. 17.

⁶⁷ Annual Cyclopedia, 1898, pp. 511-512.

state would be difficult to say. The law which was passed in 1895 providing for local self-government gave the negro his chance to rise to power. He demanded his share of the offices, and the result was that many eastern North Carolina counties, where the negroes were in the majority, became "negroized."⁶⁸ In such counties as Bertie, Craven, Edgecombe, Halifax, New Hanover, and Warren the local governments were controlled almost entirely by negroes.⁶⁹ In five counties of the state there were 143 negro magistrates, and altogether in the state there were 300 black magistrates. Negroes held offices all the way from township constable to Representative in the Congress of the United States.⁷⁰ One thousand negroes held some sort of office in the counties and towns of Eastern North Carolina.⁷¹ The western counties were not affected to any considerable extent by the negro in politics. A quotation from the resolutions drawn up at a meeting in Goldsboro, October 28, 1898,⁷² will show the effect of negro domination on the white people: "That as a consequence of turning these offices over to the negroes, bad government has followed, homes have been invaded, and the sanctity of woman endangered. Business has been paralyzed and property rendered less valuable. The majesty of the law has been disregarded and lawlessness encouraged. In many localities men no longer rely upon the officers of the law, for they are known to be incompetent or corrupt." The seriousness of the situation was shown by the fact that the *Wilmington Messenger* boldly announced about the middle of October that the Democrats intended to overthrow negro rule, either by peaceable methods or by force if necessary. Both races were heavily armed and in several places riots ensued, resulting in the deaths of several white men and many negroes.⁷³

Undoubtedly the part played by the negro in the affairs of politics and government during the Republican and Populist administration has been over emphasized. Partisan papers in

⁶⁸ Appleton, 1898, pp. 510-511 (Taken from *St. Louis Globe-Dispatch*, Oct. 23, 1898).

⁶⁹ *Ibid.*, 1898, p. 511. (Taken from resolutions drawn up at a meeting in Goldsboro, Oct. 28, 1897.)

⁷⁰ *Ibid.*, 1898, p. 510.

⁷¹ *Ibid.*, p. 511.

⁷² *Ibid.*

⁷³ *Ibid.*

order to prejudice the people against these two parties made the negro question really more deplorable than it was. In eastern North Carolina, however, the negroes really were occupying a large share of the offices, much larger than since the days of reconstruction; but the negro had been in politics to some extent ever since the Civil War, and the Populists cannot be blamed with wilfully and deliberately pushing the negro into politics. However, since the Populist movement came mainly from that section of the state in which negro rule was most powerful and since the Populists and Republicans were in control of the affairs of the state at that time and had passed the local self-government law which had made it easier for the negroes to get local offices, many members of the Populist Party turned to the Democrats in 1898 and the party thereafter possessed comparatively no power.

Another influence which probably had some effect on the loss of power by the Populists was fusion with the Republicans. However, there is great difficulty in determining the exact influence that such a policy had on the career of the party. Before the organization of the party was accomplished, L. L. Polk, the able and conscientious leader of the farmer, died and the party was deprived of the service of probably its biggest man. Colonel Polk had never conceived of such a policy as fusion with any party; he had thought only of a separate ticket; but later Marion Butler became the leader of the Populists and by shrewd and skillful manipulation brought about fusion with the Republicans. However, many people questioned whether Butler was looking after the interest of the party or his own future. In 1896 opposition to fusion with the Republicans had been very noticeable, especially in the Populist State Convention. Many men who had bolted the older parties in order to join the Populist Party saw no good in fusion. There were many who "cared more for reforms than for old party comforts,"⁷⁴ and any fusion with one of the old parties necessarily made them discontented. Men who had formerly been Democrats hated to be united with their life-long opponents, the Republicans. Therefore, throughout its career, the Populist Party

⁷⁴ Review of Reviews, Vol. XIV, p. 301.

was composed of two distinct factions—the middle-of-the-road faction and the faction that advocated fusion.

However, fusion with the Republicans brought also great advantages to the Populists. It gave them part control in the government of the state by means of which they were able to accomplish some of their long desired reforms. Acting as a separate party they certainly could never have gained control of the state government. In a speech during the campaign of 1898⁷⁵ Cyrus Thompson said in regard to fusion with the Republicans: "If we go in the middle of the road, which might be the best course for us to pursue if we could pursue it and live as an organization, the canvass will be made against our candidates by the Democratic Party that 'you have no chance for election. Our candidates will be elected or the Republicans will be. You are simply not in it.'" Speaking of coöperation with the Republicans in the past, he said: "The coöperation has been mutually advantageous, and the advantage so far as numbers were concerned has been largely on our side." However, it is a fact that coöperation with the Republicans drove a certain element from the Populist Party back to the Democrats and therefore helped to weaken the party.

The real, fundamental cause for the loss of power by the Populists was something besides what has been mentioned in the preceding paragraphs. The third party's loss of power was the logical outcome of a party founded on temporary discontent. Besides, as the party practically disappeared in national politics after 1896, so it necessarily had to disappear in the politics of the state, for it is impossible for a party to thrive without a national organization. The Populist Party could not have been permanent because it sprang up on account of certain grievances, and a desire for certain immediate measures to dispel those grievances. It was founded on no special principle, as for instance, Prohibition or Socialism. Its formation was caused by an avoidance of live issues by the old parties. As this paper has attempted to show, the party got into power in North Carolina and either passed laws to accomplish the reforms that its members had desired or learned that some of the numerous governmental ills were not so easily healed. Of

⁷⁵ Cyrus Thompson's Speech, p. 22.

course some demands made by the Populists were not granted, as the free coinage of silver, but the increase in the output of gold remedied the evils of the monetary system and thus dispelled that cause for complaint. In its fight for reform the Populist Party succeeded in opening the eyes of the older parties, as shown by the similarity of their platforms to that of the Populist platform in 1896 and 1898. The Democratic Party, as a matter of fact, was regenerated by its defeat in 1894 and 1896, as a party usually is when defeated after having been for many years in control of the Government. New blood, so long needed, was brought into the leadership of the party thereafter.

The work of the Populist Party cannot be estimated by the number of laws placed by its members upon the statute books of North Carolina. The important and lasting laws passed by the Populists with the aid of the Republicans were few in number. The laws providing for a revision in the election laws, local self-government, and a better system of public schools are the best outward testimonies of their work. The really great work of the party, both in state and nation, was the turning of the attention of the two major parties to vital local problems. Measure after measure adopted by the Populists has been included in some way in the platforms or legislation of one or the other of the great political parties.

⁷⁶ Private Correspondence with Mr. Butler.

⁷⁷ Private Correspondence with Dr. Thompson.

⁷⁸ Haynes, *Third Parties*, Iowa, p. 375.

NEWS, LETTERS AND DOCUMENTS CONCERNING
NORTH CAROLINA AND THE FEDERAL
CONSTITUTION

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A. THE CONVENTION ELECTION RIOT AT KINSTON, 1788¹

NEWBERN, April 16

Agreeable to the resolve of the General Assembly, the freemen of the county of Dobbs met at the Court House in Kinston, on the last Friday and Saturday in March, in order to elect persons to represent them in Convention at Hillsborough, on the third Monday in July next; accordingly Richard Caswell, James Glasgow, John Herritage, Bryan Whitefield and Ben Sheppard Esqrs. were candidates supposed to be in favor of the Federal Constitution; Jacob Johnston, Morris Westbrook; Isaac Groom, Abraham Baker, and Absalom Price, were supposed to be the opposers of the Federal Constitution;—The whole number of voters were three hundred and seventy-two; at sunset on Saturday the Poll was closed and the sheriff proceeded to call out the tickets; two hundred and eighty two tickets were called out, the hindmost in number on the Poll of the Antifederalists had one hundred and fifty-five votes, the foremost in number of the Federalists had only one hundred and twenty one, and the tickets coming out fast in favor of the Antifederalists, the other party seemed fully convinced they should lose their election and appeared to be much exasperated at the same, especially Col. *B. Sheppard*, who with sundry others cast out many aspersions and very degrading and abusive language to the other candidates, which was not returned by any of the candidates, or any person on their part with so much as one provoking word. At length Col. A. Sheppard went upon the bench where the sheriffs, inspectors, and clerks

¹The following account of the celebrated riot which occurred at Kinston over the election for delegates to the Hillsborough convention, called to consider the ratification of the Federal Constitution, is taken from the *Norfolk and Portsmouth Journal* of April 30, 1788, a copy of which is in the Library of Congress. It is copied from the *North Carolina Gazette*, which at that time was published at New Bern. Wm. K. Boyd.

were attending their business, and swore he would beat one of the inspectors who had been peaceably and diligently attending to his business, and having a number of clubs ready prepared, the persons holding the candles were suddenly knocked or pulled down and all the candles in the Court House were instantly put out; many blows with clubs were heard to pass (but it being dark they did the most damage to the Federalists). The Antifederal candidates being unapprized of such a violent assault, and expecting better treatment, from men who would wish to wear the character of gentlemen, were in no posture of defense, and finding their lives in danger, thought it most advisable to retire privately in the dark, but one of them (to wit) Isaac Groom was overtaken in the street, by a party of their men consisting of twelve or fifteen—with clubs, who fell on him and much abused him, in so much that he was driven to the necessity of mounting his horse and riding for his life; the sheriff also related that in the time of the riot on the Court House he received a blow by a club and that the ticket box was violently taken away. [North-Carolina Gazette].

B. A PERSONAL ENCOUNTER IN DOBBS COUNTY²

Wilmington (N. C.)

Particulars of an unfortunate circumstance which happened in this State.

Colonel B. Shepherd, a man of considerable property and great influence in Dobbs County, a few days past, made a visit to one of his neighbors, with whom he had lived in the greatest friendship and harmony. Late in the evening the new proposed constitution became the subject of conversation. Col. Shepherd, a declared federalist, gave his opinion with freedom, and declared his wish to see it adopted. His neighbor, an antifederalist, opposed it with much warmth, but finding all his objections readily answered by the Colonel became very warm and abusive. After receiving several gross insults, Col. Shepherd with his hand open, touched him on the cheek, and expressed himself in the following words: "Your language is too abusive

² From the *State Gazette of South Carolina*, July 28, 1788.

to be submitted to. Nothing but your age now protects you from that punishment which you should receive." The anti-federalist immediately ran out of the house, attended by some of his followers, who armed themselves with axes. The Colonel not knowing their design left the house to return home; it being dark, they waylaid him, and with an axe gave him a stroke on the head, which, from its violence, threw him upon the ground—the blow was immediately repeated on his breast. One of his friends who was in the house, hearing his voice, ran out when he found Col. Shepherd on the ground, almost void of speech, and insensible, the blood running from his nose, mouth and ears in considerable quantities. The alarm was immediately given to Col. Shepherd's neighboring friends, who collected to resent his injury. The antifederal party hearing them approach the house concealed themselves till they had near reached the door, when one of them fired a rifle and wounded Captain Stephanus Shepherd dangerously in the arm. The federalists being more numerous overpowered the other party, and with the rifle that had been fired broke the arm of the antifederalist who fired it, and wounded him seriously, in several other places. The wounded remained in this situation for many hours. At length a Dr. Leigh arrived; and by his attention has restored him to perfect health after amputating Captain Shepherd's arm. No reconciliation has yet taken place between the parties.

C. LETTERS OF TIMOTHY BLOODWORTH AND THOMAS
PERSON TO JOHN LAMB³

*Timothy Bloodworth to General John Lamb*⁴

North Carolina, July 1st, 1788.

Sir

The importance of the subject on which you address us needs no apology but confers an obligation on those patrons of

³The originals of these two letters are in the John Lamb manuscripts of the New York Historical Society and they are published with the consent of the Society. General Lamb was secretary of the Society of Federal Republicans organized at New York for the purpose of defeating ratification of the Federal Constitution and forcing a second constitutional convention. Correspondence was undertaken with anti-federalist leaders in the states and the letters here printed are in response to a general letter from General Lamb. See Leak, *Memoir of the Life and Times of General Lamb*, Ch. XXIII.

⁴Timothy Bloodworth (1736-1814) seems to have been chairman of a Federal Republican Club in North Carolina. He was a prominent politician of the lower

liberty whose attention to the public welfare merits our most candid acknowledgments.

It affords us infinite satisfaction to discover your sentiments on the proposed system of Government, as they perfectly coincide with our ideas on that subject.

Although additional powers to the federated system, meet our fullest approbation, yet we cannot consent to the adoption of a Constitution, whose revenues lead to aristocratic tyranny, or monarchical despotism, and opens a door wide as fancy can paint, for the introduction of dissipation, bribery and corruption to the exclusion of public virtue, whose luxuriant growth is only discoverable in the fertile soil of Republicanism, the only Asylum for the Genius of Liberty, and where alone she can dwell in safety.

We perfectly agree with you in the Idea of local considerations, and cheerfully inlist in the cause of general liberty and republican principles, and leave the uncertain event to the all-wise Governor of the Universe with the flattering hope of equal success with those memorable patriots who affected the late Revolution in despite of the iron hand of power to the astonishment of all Europe.

We acknowledge the obligation to our Country, Posterity and the rights of Mankind and will join our feeble efforts to effect the ends you propose, but we are apprehensive that Virginia will accede to the measure: by a late report we hear that a majority of thirty are in favor of the adoption: should this be the case, it will probably have a prevailing influence on our State, a decided majority of which, have hitherto appeared averse to the proposed Constitution. We shall not withstanding pursue the attempt with pure melting ardor as far as the contracted period and opportunity will admit.

Permit us to observe that, we deem it expedient that the necessary amendments should originate with you. One ob-

Cape Fear region. He was one of the leaders of the revolutionary agitation in New Hanover County, a member of the legislature continuously from 1778 to 1783, from 1787 to 1789 and also in 1791, 1793, and 1801. He was a member of the Continental Congress in 1786 and of the Hillsborough Convention of 1788 and the Fayetteville Convention of 1789. He was a representative in the first Congress under the Constitution and a member of the United States Senate from 1795 to 1801. In politics he was a radical, being strongly opposed to any concessions to the loyalists, against the ratification of the Constitution, and anti-federalist or Republican after ratification was accomplished. By profession he was a blacksmith and tradition holds that he was also a preacher. This letter was written before the Hillsborough Convention of 1788 met.

vious reason (to mention no more) is presented in a cursory view, viz: it is impracticable to collect the sense of our members before they are convened, your state will be in session when this comes to hand and possibly the revision of the new system may have taken place.

We request you would forward the proposed amendments, and we presume the two States will not differ materially on this subject, being actuated by similar motives, the Love of Liberty and an attachment to Republican principles exclusive of sinister views.

In behalf of the Committee of Correspondence

I have the Honor to be Sir

Your most obedient Humble Servant

Timothy Bloodworth ch

John Lamb, chairman

of the Federal Republican Committee.

*Thomas Person to General John Lamb*⁵

Goshen 6th, August 1788.

Sir

Your favor of the 19th May last, was only Received the 23rd of July & then open, the third day after our Convention had assembled, whose conclusions on the extraordinary Change of Government proposed for our Acceptance I transmit to you with pleasure, firmly persuaded that our proceedings which were temperate and calm as well as the result of our Political Contest in the cause of Republican Liberty, will be highly pleasing to you & your friends in your state & thro the Union.

It is my decided opinion (& no man is better acquainted

⁵ Thomas Person (1733-1800) probably born in Virginia but a citizen of Granville County, North Carolina, was for over thirty years in public life. In 1756 he was a Justice of the Peace, in 1762 Sheriff, and from 1764 to 1785 almost continuously a member of the legislature from Granville. In 1787, 1788, 1790, 1793 and 1794 he was also a member of the legislature. He was a member of all the provincial congresses and of the Provincial Council in 1775. He was a member of the committee which recommended to the Halifax Convention separation from Great Britain and was also a member of the committee which framed the Bill of Rights of the state constitution of 1776. During the Revolution he was a Brigadier General of Militia. Always a democrat, he favored responsibility of the state government to the people and opposed ratification of the Federal Constitution. He was a member of both conventions which considered ratification and the legislature of 1788 elected him a delegate to a second federal convention in case it was called. He was one of the first benefactors of the University of North Carolina.

with the publick mind) that nine tenths of the people of this State are opposed to the adoption of the New System, without very considerable Amendments & I might without incurring any great hazard to err, assure you, that very Considerable numbers conceive an idea of a General Government on this extension impracticable & dangerous. But this is a subject on which I feel myself more disposed to concur with better Judges than to Dogmatically decide & only state it as a doctrine gaining ground in this part of the World.

Our Convention met at Hillsborough on the day appointed & on the 22nd resolved itself into a committee of the whole house & continued thro discussion from day to day (Sundays excepted) until the 1st Inst on which we called the decisive question when there appeared, for non-concurrence 184 & 83 for adopting—but recommending numbered amendments which were repugnant to their Eloquence & reasoning in debate; a circumstance something surprising; but proves nevertheless that even its advocates think the plan radically bad, by these exertions to render it virtually better.

However I can assure you if the total rejection had been proposed, even in terms of Reprobation, the motion would have succeeded, but we conceived it more decent & moderate to refer it in the mode you will see prefixed to our bill of Rights & Amendments, in confidence that the Union & Prosperity of America may yet be preserved by temperance & wisdom, in defiance of preceptation & some arts which I suspect tho I cannot enumerate or trace them. There is so little Security left now for obtaining Amendments, especially if your state is adoptive, that it may probably be wise in these states, or the minorities in them, to oppose all representation until Amendments are obtained or to send into the new Congress only such men of unequivocal characters as will oppose every operation of the system until it is rendered consistant with the preservation of our Liberties too precious to be sacrificed to authority name, ambition or design. Your proposition for opening a correspondence I embrace with great cheerfulness. It meets with my cordial approbation as well as my Friends. Urged only by motives for the prosperity of the Union and I have only to lament that such measures were not persued earlier, as

they would in my opinion have prevented or abated the mischief which the public cause has already received, I take the freedom to request, that you may forward the proceedings of your Convention & anything else you may think conducive to the public weal. Our Assembly will meet the 1st Monday in Nov next at Fayetteville when we would easily as well as cheerfully receive anything which you might think interesting to the good people of this State. I have the Honour to be with profound respect to you Sir & thro you to the Federal Republican Committee

Yr

Thomas Person

Col John Lamb

P S I forgot to advert to a letter read in our Convention (which in the first instance I approved) from Our Delegate Williamson, in which he aristocratically complains "that Congress is perpetually interrupted by a York Delegate (who he says was once a shoe maker) calling the yeas & nays, on which occasions he says he was obliged to retire, as representing a non adopting state;—Some of his constituents remark that delicacy should have suggested his voluntary recession; and more particularly as his nasal organs were so offended with the Society of a Mechanic. But some persons are said to have taken his case into consideration & have positively determined not to send him again, until the president of Congress shall send us satisfactory alterations that the Honble Congress of the States are composed altogether of the Well Born. F.P.

John Lamb Secy

B I wrote you a similar letter to this some time ago and in it I enclosed the proceedings referred to but least you should not get that I have sent this which is a duplicate of the former one, save only that I have not with me another copy of the Proceedings of the Convention. I expect you will receive this by my friend Doctor Mitchell and by him I shall safely receive any answer you may think proper to send.

Thomas Person.

D. A CITIZEN OF NORTH CAROLINA ON THE FEDERAL CONSTITUTION⁶*Friends and Fellow-Citizens,*

The situation in which you are left by the proceedings of your late Convention, is such as requires your most serious attention. Perhaps at no period since your ancestors first settled in this country, has your condition been more awful and affecting. You are, for the first time, separated from your sister states, the early and late companions of all your difficulties and dangers; with whom you have hitherto, on all occasions, run the race of freedom and glory; with whom but very lately, you resolved to conquer or to die. Little was it to be apprehended, that in less than six years after the peace, a peace acquired by your and their joint efforts, and which, to the astonishment of all mankind, gave glory as well as security to the weaker party, those states who had been the willing and the generous sharers of a common danger, should have become separate! weakened the common cause, still in full force, though not in equal apparent danger subsisting! and thus afforded a triumph to our common enemies, who are watching, if not planning for our destruction! Heaven forbid that disunion should last long! Happy would it have been if it had not for a moment existed!

But regret, with whatever poignancy it may be felt, is now useless. The danger is incurred. Eleven other states have a common united government: We have no share in it. If we can derive pride from the consideration, our independence is increased. We are now not only independent of all other nations in the world, but entirely independent of the other states, except for our share of the debt hitherto incurred, which we are now utterly unable to pay. We may form alliances at our leisure with Great Britain, France, Spain, Turkey, the Dey of Algiers, or Rhode Island. We may make what acts of Assembly we please concerning war, peace, negotiations, commerce, or finance. While the eleven United States are fettered by the necessity of pursuing a common

⁶ This address is a defense of the Federal Constitution issued after the Hillsborough Convention and before the meeting of the Fayetteville Convention. It was published in the *Norfolk and Portsmouth Journal*, issue of Sept. 17, 1788.

interest, there is no check upon our separate wisdom, or the free course of our own noble exertions.

There are some men possibly, inflated with ridiculous ideas of our own importance, to whom this prospect may be pleasing. There are many weak men, perhaps, who think danger never exists but when evils are actually and immediately felt. There may be a few (I trust in God they are a very few) to whom confusion and disorder may be the most acceptable objects. But among the great majority, including both parties, those who are averse to the new constitution, as well as those who are friends to it, I believe the idea of an entire disunion is reprobated with horror. I have had the pleasure to hear that was the case with by far the greatest part of the majority in our late convention, who unfortunately did not scruple to rush into a temporary one.

Taking it for granted, therefore, that all rational friends of their country consider a union with the other states as indispensable to their liberty and safety, I shall beg leave to make a few observations on the policy which has brought us into our present extraordinary situation. It is a situation so new, as well as important, that no pains necessary to its investigation, can be considered ill-bestowed. I shall hope, therefore, for the honor of your attention, while we examine it together.

The old articles of confederation were framed and executed in the very midst of the war. The necessity of a general opposition to the arbitrary designs of Great Britain had been felt by every generous mind from one end of the continent to the other. A common danger pointed out the propriety of common exertions; common exertions required common councils: The different states were therefore represented in Congress, who were entrusted with the common protection of the whole. The necessity of a general coöperation in measures of defense in which we are all interested, *in the midst of a danger which none could doubt*, occasioned a ready obedience to every recommendation made by that representative body, and their recommendations accordingly had all the force of laws. Warmed with such noble principles, in pursuit of one great object, when the same men framed the

articles of confederation, they relied perhaps too much on a continuation of the same ardor, and their system was formed on the basis of requisitions, which at that time had never been known to fail. Possibly they might have seen its defects, but provided those articles as the only ones likely to be adopted at that period, when some kind of confederation was absolutely indispensable. Whatever might be the cause of it, its defects have been long acknowledged by all enlightened minds, and felt by the most ignorant. None can doubt that a government must be radically defective which in a country full of resources, and affording the greatest commercial advantages, has not been able to pay the interest of a moderate debt incurred to preserve us from slavery, to keep alive even a passive commerce, disgraceful to a great degree, to preserve foreigners and citizens from the operation of fraudulent and dishonest laws, to compel the execution of a treaty of peace most honorable and advantageous to us, and humiliating to our enemies; nor consequently to obtain possession of our full share of the advantages of that treaty; perfidy on one part naturally affording an excuse for perfidy on the other. Our national honor, as well as our national safety, was wounded; and every friend of his country felt for the degraded reputation, as well as the diminished importance, of a people lately high in the estimation of all mankind.

In this situation, the universal voice of America almost called out for a remedy. After one or two ineffectual attempts at length twelve states met in convention. Among the members of that convention I need not particularly point out the illustrious ones entitled to the utmost confidence of the country. That country must be dead to every sensation of virtue, to every emotion of feasibility, to every impulse of gratitude, before that confidence can be withdrawn. The members of that convention added to their high character before, by the generous readiness with which all local objects were sacrificed to the general good. The sacrifice was noble, and does the highest honor to these states, whose members in the first instance, and who themselves in the latter, have thus added an immortal seal to their patriotism and wisdom.

Wisdom it undoubtedly was, but a wisdom to which narrow souls never reach, and which required a high sense of national honor, and an inflexible attachment to the true interests of the union at large, abstracted from immediate tempting advantages, to bring it forth.

Those respectable men that formed the late general convention (I shall call them so, notwithstanding the gross abuse so ungratefully and illiberally bestowed upon them) had not only local difficulties to struggle with, but the extreme difficulty itself of forming a wise system of government, combining a proper share of energy in the formation and administration of laws, with that degree of liberty which each state and individual ought inalienably to enjoy. To declaimers who have never thought or read on the subject, this may appear an easy task, but to sober, considerate men who are forming a constitution that ought not to be lightly changed, and which therefore ought to provide for every contingent case, as well such as are likely to happen seldom, as those which may frequently occur, it must always wear a very formidable appearance. This would be the case in forming a single government: In forming a confederate one, such as our situation required, the utmost attention, moderation, and forbearance were requisite.

And as the subject required to be viewed in all possible lights, the mutual aid of a number of sensible men was indispensably necessary, together with the utmost freedom of discussion. What must we therefore think of the modesty of any individual who shall rashly, perhaps without any thought at all, condemn a system grounded on such worthy motives, and produced by the joint effort of such wise and deliberate counsels. Yet how many instances are there of such individuals who condemn it with the most outrageous abuse!

I mean not in the course of this letter to enter into the particulars of a constitution, the merits of which have been so amply discussed. I shall only observe, that its leading principle is, that in all cases where the peace and interest of the Union at large are concerned, we should, as one

people united in a common object, be governed by common councils; and it provides for the execution of these in a regular and peaceable manner, by the instrumentality of courts of justice, not leaving us in the condition to which we were exposed under the old confederation, under which, though Congress had great nominal powers (very near equal to those proposed to be given to the new Congress, though the people were not directly represented in it) yet there was no method of enforcing their most material acts of authority but by force of arms, if they possessed this right of enforcing, which is questionable. If they did not, the confederation ridiculously gave an authority, without the means of carrying it into effect. If they did, then every act of disobedience, whether wilful, excusable, or unavoidable, might have drawn on a civil war, in which the innocent must have suffered with the guilty. In the one case, the confederation was an absurdity; in the other, the horror and injustice attending its execution, and the danger upon every such extremity, of the union being entirely destroyed, were unanswerable objections against it with every friend to the peace and prosperity of his country.

But whatever may be the defects of the new system, it certainly has one material advantage over the old. By the old confederation, no amendments could be made but by the consent of all the states. The necessity of an unanimous consent in any country is a never-failing source of weakness and usurpation. It has been found so a thousand times in the seven United Provinces in Europe, where an unanimous consent even of the towns, as well as the States-General, is necessary for certain objects. This has arisen from an extreme jealousy, and has at critical periods nearly caused their destruction, because some of the towns being very considerable, foreign powers have found it convenient and practicable to bribe them, to prevent their concurring in measures their common safety required. On such occasions the stronger party have found it necessary to overpower the weaker, and rather usurp an unconstitutional power, than suffer their country to be ruined. Rhode Island at length has reduced America to a similar situation. Her forbearing for years

to join in any federal measures, and by her example inducing other states to adopt a separate and selfish policy, reduced America to this alternative, either to suffer in form all the evils of a weak, impracticable government, unable to correct itself, or by one bold and manly effort, to strike into a new road of safety, which would not only answer our purpose for the present, but suit us to the end of our journey. The confederation could scarcely be said to submit but in form, as it had been violated in a hundred instances; or if it had not the *salus populi*, justly called the supreme law, required a new and nobler course. The Convention, therefore, did not require an unanimous consent, which was impracticable, but in a manly manner declared, nine states should govern themselves, if the other four did not choose to yield to so large a majority. On such great occasions none but narrow minds will adhere to form; this alternative, or absolute ruin to the whole, seemed the inevitable consequence. Which ought they to have preferred? Upon a similar principle, future amendments to this system may be made by three-fourths of the whole; and as this article is very important and generally much misrepresented, I will transcribe it at large, in order that it may be seen, that whether the Congress itself shall choose to propose amendments or not, yet if the legislatures of two-thirds of the states do, a Convention must be called for the purpose of consulting on the subject. The article is as follows, viz:

“The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth

section of the first article; and that no state, without its consent, can be deprived of its equal suffrage in the senate."

The first and fourth clauses in the ninth section of the first article (which are referred to in the above) are as follows, viz:

First. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

"Fourth. No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken."

This article as to amendments, places the subject on a footing altogether new, and is an honor to the constitution proposed which no other in the world can boast. In every other country, revolutions of government can only be expected to take place by means of a civil war. The glorious principle of a majority in a fair convention of the people, deciding peaceably for the whole, has not yet reached them. The extension of this principle, which formerly existed in the separate states, to the states in their united capacity, at the same time requiring more than a bare majority, to prevent hasty and partial alterations, in my opinion, is entitled to the highest praise. As mankind increases in knowledge, the contemptible vanity of self perfection gives way to the more enlightened and more just diffidence of any human capacity, however great. The foresight of the greatest minds is nothing, compared to the instructions of experience. Any system, therefore, that could now be formed, would possibly upon trial be found to want alterations; and if such alterations could not be made in a regular and orderly manner, it would be a just exception to any system whatever, let its merits otherwise be ever so great. Thank God no such exception lies to the system before us. It guards wisely against the two dangerous extremes of too much difficulty in obtaining amend-

ments. They certainly ought not to be made but when the necessity or utility is very apparent and when that is the case, it ought not to be in the power of one or two weak or wicked members in the union to defeat the real interest of the whole.

This article has justly been deemed so important that it has been the means in a most happy manner, of facilitating the adoption of the constitution in several of the states. The respectable states of Massachusetts-Bay, South Carolina, New Hampshire, Virginia, and New-York, though approving of the general principles of the constitution, had objections to particular parts of it, and therefore wished for amendments. But they were at the time sensible of the necessity of a more intimate union of the states; they dreaded above all things a separation of interests and pursuits; they deemed the present situation critical to a most alarming degree; and as no man could insure us against foreign hostility, or domestic dissensions, till all the different amendments were adjusted, they generously and discreetly said, "We will not break the union; we will unite with you for the present on the terms proposed, that we may have a national government in existence, and we refer to your equity and good sense afterwards in the constitutional mode the amendments we wish to have adopted." This was the language of patriotism, prudence, and affection, and none can doubt it will have its fullest effect, in respect to all those amendments which are really essential, and which relate as well to the security and prosperity of one state as to those of another. If there are any of a more local nature, and they should not prevail, we ought not to regret, that in this instance, as well as others, three-fourths of America will speak for the whole, since all the states individually cannot be expected in every instance to agree.

Would to God that a similar principle of conciliation had governed the decisions of our convention! Why should we not have followed such respectable examples? If Massachusetts, though I believe the fifth only that agreed, thought the condition of previous amendments dangerous or impracticable, surely our state, after the certain agreement of ten, and when it was evident the new government would be put in motion, had much reason for not insisting upon it at that

time. The subsequent examples of four other states (three of which were known to have decided when our Convention met) have added great weight to the propriety of the conduct of Massachusetts. Two examples of highly respectable individuals in two of those states deserve particular mention, as well in honor of those gentlemen, as to sanction the decisions of the majorities in their respective states. The one is Governor Randolph of Virginia. This gentleman, who has long been esteemed for his many virtues, as well as for his abilities, was one of the delegates from Virginia in the general Convention at Philadelphia. He had objections to the Constitution which made him forbear to sign it. So far as pride could be concerned, his wishes must have been opposed to the general adoption of the Constitution, without previous amendments; and it is believed, if a few only of the states had agreed, he would have persisted in this purpose. But when so many as eight states had agreed, and he saw the difficulty and danger of requiring so many states to tread back the ground they had passed, he nobly declared (I had not the pleasure to hear his words—I judge only of the substance from report) that it was now too late to require previous amendments; and that though he still thought amendments necessary, he would not endanger the union by insisting on them as a condition of adoption. He accordingly, with all the warmth of patriotic virtue, maintained the adoption of the Constitution, in the then situation of affairs as indispensibly necessary perhaps to the existence of the union, certainly to its peace and security; and to the exertion of his great abilities, it is not improbable Virginia may be in a great measure indebted for her present station in the union, and America at large for the subsequent adoption by New York, in consequence of her illustrious example. In that state, resides the other gentleman whose conduct I beg leave to state. Being at a greater distance, I can only speak of him generally as a distinguished character by name, and who had been remarkable for his opposition to the new Constitution. I mean Mr. Melancton Smith, who was a member of the late New-York Convention, and is said, in a debate on the subject of a conditional ratification, to have spoke

to the following effect: Having declared his determination to vote against a condition, he urged, "That, however it might be otherwise presumed, he was consistent in his principles and conduct. He was as thoroughly convinced then, as he ever had been, that the Constitution was radically defective; amendments to it had always been the object of his pursuit, and until Virginia came in, he had reason to believe they might have been obtained previous to the operation of the government. He was now satisfied they could not; and it was equally the dictate of reason and duty, to quit his first ground, and advance so far as that they might be received into the union. He would hereafter pursue his important and favorite object of amendments with equal zeal as before, but in a practicable way, which was only in the mode prescribed by the Constitution. On the first suggestion of the plan then under consideration, he thought it might have answered the purpose; but from the reasonings of gentlemen in opposition to it, and whose opinions alone would deservedly have vast weight in the national councils, as well as from the sentiments of persons abroad, he was now persuaded the proposition would not be received, however doubtful it might appear, considered merely as an abstract and speculative question. The thing must now be abandoned as fallacious, for if persisted in, it would certainly prove in the event, only a dreadful deception to those who were serious for joining the union." He then placed in a striking and affecting light, "the situation of that state, in case they should not be received by Congress, convulsions in the northern part, factions and discord in the rest. The strength of his own party, who were seriously anxious for amending the government, would be dissipated, their union lost, their object probably defeated; and they would, to use the simple figurative language of scripture, be dispersed like sheep on a mountain." He therefore concluded, "it was no more than a proper discharge of his public duty, as well as the most advisable way of obtaining the great end of his opposition, to vote against any proposition which would not be received as a ratification of the Constitution."

I cite with the greater pleasure these two remarkable in-

stances, not only as a striking proof of the justice of those sentiments which induced two such men to abandon a cause they were warmly attached to, but that in the midst of the party violence to which we have been unhappily witnesses, we may dwell a few moments with delight on the magnanimous virtue which produced such distinguished instances of candor.

If these considerations have no effect, but it is still asked, shall we consent to a system destructive to our liberties, without taking proper precautions to secure them? Let us calmly ask ourselves, Can we believe not only that the members of the General Convention at Philadelphia, but that eleven State Conventions meeting separately since, could either be so ignorant of the proper principles of liberty, or so indifferent about them, as to consent to any system by which it could be in reality endangered? Is the vital spark of freedom, which so lately set all America in a flame, existing nowhere but in the breasts of the majorities of North Carolina and Rhode Island, and of the minorities of other states? Surely it is much more probable, that those who have taken so much pains to inflame you, condescending to use very little reason with a great deal of passion, are mistaken in entertaining such high ideas of their own superior wisdom, than that North-Carolina and Rhode-Island are the only bulwarks of liberty. I trust in God the other states are not in so desperate a condition, and hope I shall not offend you in supposing, that with equal virtue the eleven United States are not inferior to the late majority of our Convention, in wisdom and discernment. The business of government is a very complicated thing. It requires other talents, besides good wishes, to undertake it with success. It requires far superior qualities to those of a mere slave of popularity, to frame a system calculated not merely to flatter the passions of the people it is intended for, but to fix it on a basis of justice which can conciliate the regard, the confidence, the respect of other nations, and give it a fame calculated for duration. Such a system, when framed, is to be tried by the test of reason, not passion. It is not to be rejected, because plausible objections can be made to it: Plausible

objections may be made to everything, and objections of any kind, before they prevail, ought to be found solid, and not plausible merely. Nothing would be more easy than to detect the sophistry with which many parts of this Constitution have been attacked. Nothing more easy than to show the improper distrust, and the groundless jealousy with which many well-meaning men apprehend that the moment this government is set in motion, the very men whom the people and the legislatures themselves have chosen, will conspire against their own liberty and that of their constituents. But as I before observed to you, I shall not in this letter enter into particulars, but refer you to numerous respectable publications calculated to quiet your fears on this subject. In my opinion, the coolest and most deliberate reason, as well as the most respectable authorities, is on the side of the Constitution; and I am persuaded it will be generally acknowledged, when the mist of passion which has blinded many able, as well as weak men, is taken off.

In our present situation what are we reduced to? Have we any national character? Is the state of North Carolina known to any nation in Europe. No? *The United States of America are known.* But alas! We are to be no longer one of them. We have no alliance with any power on earth. We have no right, if attacked, to call on the other states for assistance. Our own prowess and resources must defend us against all mankind, or we must sink in a conflict, unless assisted by the charity of others. Can we much longer bear so humiliating, so dangerous a condition? What must our feelings be, when we see the prosperity of the other states derived from the energy of their new government, while we are deriving additional weakness from the dissolution of the old, without partaking of any of the benefits of the new? Can we blame our sister states? Certainly no. A cruel necessity dictated a change. Certain ruin, or an alteration, became the unavoidable alternatives. We have had our option allowed us. We have unfortunately chosen for the present a path leading to misery and ruin, if we continue to pursue it. But God forbid that we should not instantly stop short, and do everything to recover the false step we have taken,

which our situation will admit of. Is there left us any method of relief?

Our situation is certainly bad, but perhaps not entirely desperate. The majority of the convention seem not to have considered what they did as a rejection. But it may undoubtedly be considered so by the other states. After not accepting when the opportunity was allowed us, we have no right to choose our own time at any period hereafter. All the states ought certainly to start upon equal terms. But it is to be hoped they would judge with liberality; and that if we early should agree by means of another convention, we might immediately be admitted on equal terms with the other states. We have reason to fear, however, that the earliest step of this kind that could be taken, might be too late for us to have a share in the first formation of laws. What an opportunity we have lost! Should North Carolina have no votes in the first Congress, the first system of laws, which will be the most important of any for many years, may be formed much more injuriously for the southern states than otherwise might have been the case, and the supporters of amendments may be deprived of powerful assistance. Whether or not we can possibly be early enough for this no man can say. But let us go into the union as soon as we can. One convention can repair the mischief of another. Let all therefore who think with me, promote, so far as his influence shall extend, the measure of petitioning the Assembly for a new Convention. Let the people on this occasion (it certainly is great enough for their exertion) speak their own sentiments. Let them say whether they wish for an immediate adoption, that we may be a member of the Union, or not. They have an opportunity of much reflection since the first libels were dispersed among them. I am much mistaken if their native good sense is not beginning to break through a cloud of prejudice. Let them call on all who attempt to dictate to them, for reason instead of abuse. Let them tell them plainly, calumny of the most respectable characters shall no longer impose either on their passions or their understanding; that they consider it not only grossly unjust in itself, but an attack on their integrity as well as on their

judgment, and that it is now too late to persuade them that the great majority of America is composed of men who want either virtue or understanding: That it is much more certain that we ought to be a united people, than that their objections to any union at all, are founded on any rational principles. This language I trust will be found congenial with the general sentiments of my countrymen. I have seen many symptoms of a change which give me the greatest hopes. I rely on that public virtue which has so often conspicuously shown itself in this state; on that good sense, which though for a time may be overborne, is sure in the end to rise superior to prejudice. God grant that this fatal disunion, fatal I should have termed it had I been sure it would exist but a day, may last a very short time longer! May we return and embrace with affection those sister states, with whom we have hitherto shared in adversity and prosperity, and with whom alone, whatever vain ideas we may form, we can enjoy security, freedom, and glory! And may those respectable states, with a moderation and forbearance which will do them honor, be willing to receive us with as much cordiality as if we had never strayed!

A Citizen of North Carolina

August 18, 1788.

